

SEXUAL HARASSMENT OF WOMEN IN THE WORKPLACE

BY



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DECLARATION

I, the undersigned, hereby declare that the work contained in this dissertation is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

Date: **March 1997**

EXPRESSION OF THANKS

I believe very firmly that no man/woman is an island. This belief was reinforced throughout my involvement with this project. On this page I would like to take time to thank the people without whom this achievement would not have been possible.

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-

ABSTRACT

Sexual harassment is a serious problem for many working women and research has proven beyond doubt that sexual harassment at work is not an isolated phenomenon. On the contrary, it is clear that for many women sexual harassment is an unpleasant and unavoidable part of their working lives.

Sexual harassment pollutes the working environment and can have a devastating effect upon the health, confidence, morale and performance of those affected by it. The anxiety and stress produced by sexual harassment commonly lead to those subjected to it taking time off work due to sickness, being less efficient at work, or leaving their job to seek work elsewhere.

There are also adverse consequences arising from sexual harassment for employers. It has a direct impact on the profitability of the enterprise where staff take sick leave or resign their posts because of sexual harassment, and on the economic efficiency of the enterprise where employees' productivity is reduced by having to work in a climate in which individuals' integrity is not respected.

As a first step in showing management's concern and their commitment to dealing with the problem of sexual harassment, employers should issue a policy statement which expressly states that all employees have a right to be treated with dignity, that sexual harassment at work will not be permitted or condoned and that employees have a right to complain about it should it occur.

An important means of ensuring that sexual harassment does not occur and that if it does occur, the problem is resolved efficiently is through the provision of training. Such training should aim to identify the factors which contribute to a working environment free of sexual harassment and to familiarise participants with their responsibilities under the employer's policy.

The development of clear and precise procedures to deal with sexual harassment once it has occurred is of great importance. The procedures should ensure the resolution of problems in an efficient and effective manner. Both informal and formal methods of resolving problems should be available.

The exploratory study showed that men and women recognised the more serious forms of sexual harassment as such, but there was less consensus and a great deal of ambivalence in employees' use of the term sexual harassment on the less serious, but decidedly more common, interactions. Concerning men and women's attitudes towards women in general, women in the workplace, sexual harassment and sexual experiences at work, there do exist some significant differences.

The major study led to the following findings:

The percentage of female employees who have encountered sexual harassment accumulated to 55,44 percent. Unwanted sexual teasing, jokes, remarks or questions, unwanted sexually suggestive looks or gestures, and unwanted deliberate touching, leaning over, cornering, or pinching were the most frequently experienced forms of sexual harassment.

The alleged harassers were described as men in the age group 30 to 49 years, married, with a qualification of standard 9 to 10 and they were perceived as being of average attractiveness.

With regard to women's reactions to sexual harassment, objecting was found to be the most frequently used response, followed by the option to avoid the harasser and thereafter to ignore the behaviour. Reasons given for not reporting these incidents are that they did not think it was serious enough, they did not want to make a fuss, and they saw no real need to report it.

Among the emotional responses that harassment elicits, anger was experienced the most, followed by embarrassment, disgust and insult. The psychological and physical reactions included experiencing tension, feeling irritated and depressed, a sense of powerlessness and fear and anxiety.

It does not seem that these experiences interfere too much with the work situation. It did cause women to be less friendly and affected the way they relate to other people. Eventually this will have a definite impact on the workplace, the people's productivity and ultimately the profitability of the company.

OPSOMMING

Seksuele teistering is 'n ernstige probleem vir baie werkende vroue en navorsing het sonder twyfel bewys dat seksuele teistering by die werk nie 'n geïsoleerde verskynsel is nie. Intendeel, seksuele teistering is vir baie vroue 'n onplesierige en onvoorkombare deel van hul werkende lewe.

Seksuele teistering besoedel die werkomgewing en kan 'n verwoestende effek hê op die gesondheid, vertroue, moreel en prestasie van dié wat daardeur geraak word. Die angste en stres wat deur seksuele teistering veroorsaak word, lei dikwels daartoe dat vroue afwesig is weens siekte, dat hulle minder doeltreffend is by die werk, of dat hulle hul werk verlaat om ander werk te soek.

Daar is ook negatiewe gevolge vir werkgewers. Waar werknemers siekverlof neem of bedank as gevolg van seksuele teistering, het dit 'n direkte impak op die winsgewendheid van die onderneming en die ekonomiese doeltreffendheid word ook benadeel, wanneer werknemers se produktiwiteit afneem omdat hulle in 'n klimaat moet werk waar hul integriteit nie gerespekteer word nie.

Die eerste stap wat werkgewers kan neem om hul steun en toegewydheid aan die probleem te demonstreer, is om 'n beleid te ontwikkel waarin hulle dit duidelik stel dat alle werknemers die reg het om met waardigheid behandel te word, dat seksuele teistering by die werk ontoelaatbaar is en dat werknemers die reg het om 'n klagte in te dien sou dit met hulle gebeur.

'n Ander metode om te voorkom dat seksuele teistering plaasvind, of dat wanneer dit plaasvind, dit doeltreffend opgelos kan word, is deur middel van opleiding. Hierdie opleiding moet poog om die faktore te identifiseer wat bydra tot 'n werkomgewing vry van seksuele teistering en om deelnemers vertrouwd te maak met hul verantwoordelikhede volgens die onderneming se beleid.

Die ontwikkeling van duidelike en presiese prosedures om seksuele teistering te hanteer is uiters belangrik. Hierdie prosedures moet verseker dat probleme effektief en doeltreffend opgelos word. Formele sowel as informele prosedures moet beskikbaar wees.

Die verkennende studie het bewys dat mans en vrouens die ernstiger vorme van seksuele teistering wel erken, maar daar was minder konsensus en baie dubbelsinnigheid in terme van die minder ernstige, maar meer algemene, interaksies. Wat mans en vrouens se houdings ten opsigte van vroue in die algemeen, vroue in die werkplek, seksuele teistering en seksuele ervarings by die werk betref, was daar wel beduidende verskille.

Die bevindinge van die hoofstudie is soos volg:

Ongeveer 55,44 persent van alle vroue het al een of ander vorm van seksuele teistering ervaar. Ongevraagde seksuele spot, grappe, aanmerking en vrae, ongevraagde seksuele suggestiewe kyke of gebare, en ongevraagde opsetlike aanraking, oorleun en knype is die tipes teistering wat die meeste ervaar is.

Die vermeende teisteraar is beskryf as 'n man in die ouderdomsgroep 30 tot 49, getroud, met 'n kwalifikasie van standerd 9 tot 10 en hy is van gemiddelde aantreklikheid.

Ten opsigte van die reaksie van vroue jeens seksuele teistering, was die mees algemene respons om beswaar te maak, gevolg deur vermyding van die teisteraar en om die gedrag te ignoreer. Die redes wat vroue gee waarom hulle nie die gedrag aanmeld nie, is dat hulle dink dit is nie ernstig genoeg nie, hulle wou nie moeilikheid maak nie en het nie die nodigheid gesien om dit te rapporteer nie.

Die emosionele reaksies wat seksuele teistering uitlok, sluit in woede, gevolg deur verleentheid, walging en belediging. Die sielkundige en fisiese reaksies sluit in spanning, geïrriteerdheid, depressie, 'n gevoel van magteloosheid en vrees en ang.

Dit wil voorkom of die ervarings nie te veel inmeng met die werksituasie nie. Dit veroorsaak wel dat vroue minder vriendelik is by die werk en dit beïnvloed die manier waarop hulle met ander mense omgaan. Uiteindelik sal seksuele teistering wel 'n definitiewe impak hê op die werkplek, die werknemers se produktiwiteit en die winsgewendheid van die onderneming.

CONTENTS

	PAGE
LIST OF TABLES _____	xii - xiv
LIST OF APPENDICE _____	xv
ABSTRACT _____	i - ii
OPSOMMING _____	iii - iv
CHAPTER 1 : BACKGROUND, PROBLEM FORMULATION AND GOAL SETTING	
1.1 Introduction and Background _____	1 - 3
1.2 Problem Formulation _____	3 - 6
1.3 Goal Setting _____	6 - 7
1.4 Conclusion _____	7 - 8
1.5 References _____	8 - 9
CHAPTER 2 : LITERATURE STUDY	
1. INTRODUCTION _____	10 - 12
2. HISTORY OF SEXUAL HARASSMENT _____	13 - 16
3. DEFINITIONS OF SEXUAL HARASSMENT _____	17 - 23
4. TWO CATEGORIES OF SEXUAL HARASSMENT _____	24
4.1 Quid pro quo sexual harassment _____	24 - 28
4.2 Hostile/Offensive Work Environment _____	28 - 30
5. WHAT IS SEXUAL HARASSMENT? _____	31 - 42
6. CONFUSION (SUBJECTIVITY) REGARDING SEXUAL HARASSMENT _____	43 - 45
7. MYTHS CONCERNING SEXUAL HARASSMENT _____	46 - 51

8. EXTENT OF THE PROBLEM	52 - 55
9. MOTIVATIONS FOR SEXUAL HARASSMENT	56
9.1 Explanatory Models of Sexual Harassment	56 - 61
✓ 9.2 The Power Differential Perspective	61 - 64
9.3 Other Reasons for Harassment	64 - 66
10. VICTIMS OF SEXUAL HARASSMENT	67 - 69
10.1 Women of Colour	69 - 70
10.2 Particularly Vulnerable Women	71
11. CHARACTERISTICS OF HARASSERS	72 - 77
12. SEXUAL HARASSMENT OF MEN	78 - 81
12.1 Women Who Exploit Their Sexuality for Gain	81 - 83
12.2 Homosexual Harassment	83 - 84
13. SEXUAL HARASSMENT OF THE VICTIM	85
✓ 13.1 The Impact of Sexual Harassment on Women	85 - 96
✓ 13.2 Women's Reactions To Sexual Harassment	96 - 99
✓ 13.3 Victims' Reluctance to Complain	99 - 104
13.4 Conclusion	104 - 105
14. IMPLICATIONS OF SEXUAL HARASSMENT FOR EMPLOYERS	106 - 111
15. SEXUAL HARASSMENT AND THE LAW	112 - 117
15.1 Constructive discharge	117
15.2 Remedies Available to Victims	117 - 120
15.3 Labour Relations Act	121 - 126
15.4 Employer Liability	127 - 134
15.5 Conclusion	135
16. MANAGEMENT'S RESPONSIBILITY	136 - 139

16.1 Policy as Prevention ⁽²⁾	139 - 146
16.2 Training : An Important Prevention Strategy	146 - 148
16.3 The Line Manager : Front-line Defence Against Sexual Harassment	148 - 150
16.4 Using Exit Interviews	151
16.5 Other Proactive Opportunities	151
16.5.1 Promote Professional Behaviour and Ambience	151 - 152
16.5.2 Walking the Floors	152
16.5.3 Rumour and Innuendo	152
16.5.4 Complaint Resolution Audits	152 - 153
16.5.5 Minimising Defamation Risk in Reference Giving	153
16.5.6 Getting References	153 - 154
16.5.7 Conduct an Employee Survey	154
16.5.8 Orientation Sessions for New Employees	154
16.6 Redress Mechanism	155 - 157
16.6.1 Complaint Procedure	157
16.6.2 Establish an Investigative Procedure	157 - 163
16.6.2.1 Interviewing the Complainant	162 - 168
16.6.2.2 Meeting with the Accused	168 - 172
16.6.2.3 Meeting with Relevant Others	172 - 182
16.6.3 Checklist for Assessing Complaints	182 - 183
16.6.4 Taking Corrective Action	184
16.6.4.1 Non-disciplinary Options	184 - 185
16.6.4.2 Disciplinary Options	185 - 187
16.6.5 Counselling	188 - 18
16.6.6 Mediating Sexual Harassment	190 - 191

16.6.7 Protect the Victim	191
16.6.8 Set out a Disciplinary Agenda	191 - 192
16.6.9 Deal with the Harasser in a Productive Fashion	192
16.6.10 Remedies to the Victim	193
16.6.11 Appeals	193
16.7 Benefits of a Precautionary Programme	193 - 194
16.8 Conclusion	194 - 195
17. INDIVIDUAL ACTION (WHAT WOMEN SHOULD DO)	196 - 198
17.1 Avoiding Harassment	198 - 201
17.2 Direct Confrontation	201 - 204
17.3 Keeping a Written Record	205 - 206
17.4 Complaining	206 - 210
17.5 Reporting Sexual Harassment	210 - 212
17.6 Retaliating	213
17.7 Getting Support	213 - 214
17.8 Contacting Women's Groups	214
17.9 Assertiveness and Self-defence Training	215 - 217
18. OFFICE RULES FOR THE SA MAN	218 - 219
18.1 Examples of what is tolerable and what is not	220
19. CONCLUSION	221 - 223
20. REFERENCES	224 - 230

CHAPTER 3 : RESEARCH STRATEGY

3.1 Introduction	231 - 232
3.2 Survey Research	233
3.2.1 The Methodology of Survey Research	233
3.2.2 Advantage and Disadvantage of Survey Research	234
3.3. Sources of Information	234 - 235
3.4 The Exploratory Study	235
3.4.1 Methodology of the Exploratory Study	236
3.4.1.1 Drawing the Sample	236 - 237
3.4.1.2 Designing the Questionnaire	237 - 241
3.4.1.3 Administration of the Questionnaire/Data Collection Method	242 - 244
3.4.1.4 Data Analysis	244
3.5 The Research Design of the Major Study	245
3.5.1 Drawing the Sample	245
3.5.2 Designing the Questionnaire	245 - 249
3.5.3 Data Collection Method	249 - 250
3.5.4 Data Analysis	250 - 251
3.6 References	251 - 252

CHAPTER 4 DATA ANALYSIS, RESULTS AND CONCLUSIONS

4.1 Introduction	253
4.2 The Exploratory Study	253
4.2.1 Socio-demographical Characteristics of Respondents	253 - 256
4.2.2 Opinion Concerning Sexual Harassment	256 - 263
4.2.3 Tolerance Regarding Sexual Harassment	263 - 271
4.3 The Major Study	272

4.3.1 Socio-demographical Characteristics of Respondents	272 - 276
4.3.2 Women's Experience of Different Forms of Sexual Harassment	277 - 278
4.3.3 Correlation between Status of Harasser and Type of Harassment	279 - 280
4.3.4 Extent of the Sexual Harassment Problem	281
4.3.5 Profile of the Sexual Harassment Victim	281 - 288
4.3.6 Profile of the Harasser	289 - 293
4.3.7 Reactions to Sexual Harassment	293 - 296
4.3.8 Reasons for Non-Reporting of Sexual Harassment	296 - 297
4.3.9 Support	297 - 299
4.3.10 Effect of Sexual Experience on Women	299
4.3.10.1 Emotional Responses	299 - 300
4.3.10.2 Psychological and Physical Reactions	300 - 301
4.3.10.3 Effect on Work Situation	301 - 301
4.3.11 Assignment of Responsibility/Blame	302 - 303
4.4 Conclusions	303
4.4.1 Exploratory Study	303 - 304
4.4.2 The Major Study	305 - 307

CHAPTER 5 : ESTIMATED VALUE OF STUDY, CRITIQUE AND RECOMMENDATIONS

5.1 Estimated Value of this Study	308
5.1.1 Extent of the Problem	308 - 309
5.1.2 Definition of Sexual Harassment	309
5.1.3 Preventive Measures	310
5.1.3.1 Policy on Sexual Harassment	310 - 313

5.1.3.2 Complaints Mechanism _____	314 - 317
5.1.3.3 Education and Training of Employees _____	317 - 319
5.1.3.3.1 Designing and Implementing a Training Programme _____	319 - 323
5.1.3.3.2 Training of Supervisors and Managers _____	324 - 325
5.1.3.3.3 Training of All Employees _____	325 - 326
5.1.3.3.4 Training of Investigation Staff _____	326 - 327
5.1.3.3.5 Approaches to Training _____	327
5.1.3.3.5.1 Pre-packaged Programmes _____	328 - 329
5.1.3.3.5.2 Personal Presentation Programmes _____	329 - 330
5.1.3.3.5.3 Classroom Training _____	330 - 331
5.1.3.3.5.4 Experiential Learning for Sexual Harassment Awareness Training _____	331 - 332
5.1.3.3.5.5 Role Negotiation Techniques (RNT) _____	332 - 335
5.1.3.3.6 Conclusion on Training _____	335
5.1.3.3.5.2 Personal Presentation Programmes _____	329 - 330
5.1.3.3.5.3 Classroom Training _____	330 - 331
5.1.3.4 Conclusion _____	335 - 336
5.2 Problems with Research _____	336 - 337
5.3 Future Trends _____	337 - 338
5.4 Recommendations _____	338 - 343
5.5 Conclusion _____	343 - 344
5.6 References _____	344 - 345

LIST OF TABLES

CHAPTER 4

1. Frequency Distribution of Gender and Race of Respondents _____	253
2. Frequency Distribution of Gender and Age of Respondents _____	253
3. Frequency Distribution of Gender and Home Language of Respondents _____	254
4. Frequency Distribution of Gender and Qualifications of Respondents _____	254
5. Frequency Distribution of Gender and Occupation of Respondents _____	255
6. Frequency Distribution of Gender and Income of Respondents _____	255
7. Frequency Distribution of Gender and Marital Status of Respondents _____	255
8. Frequency Distribution of Opinions Regarding Sexual Harassment _____	257 - 258
9. Pearson Correlation Coefficients for Opinions regarding Sexual Harassment _____	260
10. T-test regarding Differences between Males and Females (Opinions) _____	263
11. Rotated Factor Pattern for Attitudes toward Sexual Harassment _____	264 - 265
12. T-test regarding Differences between Males and Females (Attitudes) _____	270
13. Frequency Distribution of Race of Respondents _____	272
14. Frequency Distribution of Age of Respondents _____	272
15. Frequency Distribution of Home Language of Respondents _____	273
16. Frequency Distribution of Qualifications of Respondents _____	273
17. Frequency Distribution of Occupation of Respondents _____	274
18. Frequency Distribution of Family Income of Respondents _____	274
19. Frequency Distribution of Marital Status of Respondents _____	275
20. Frequency Distribution of Number of Children of Respondents _____	275
21. Frequency Distribution of Number of Children Under 18 of Respondents _____	275

22. Frequency Distribution of Experiences of Different Forms of Sexual Harassment _____	278
23. Correlation between Status of Harasser and Type of Harassment _____	279
24. Frequency Distribution of Victims' Experiences by Race _____	282
25. Frequency Distribution of Victims' Experience by Age _____	283
26. Frequency Distribution of Victims' Experience by Home Language _____	284
27. Frequency Distribution of Victims' Experience by Qualification _____	284
28. Frequency Distribution of Victims' Experience by Occupation _____	285
29. Frequency Distribution of Victims' Experience by Income _____	286
30. Frequency Distribution of Victims' Experience by Marital status _____	287
31. Frequency Distribution of Victims' Experience by Number of Children _____	287
32. Length of Working Relationship with the Harasser _____	289
33. Quality of Working Relationship after Incident _____	289
34. Behaviour towards other Women _____	290
35. Race of Harasser _____	290
36. Age of Harasser _____	291
37. Marital Status of Harasser _____	291
38. Qualification of Harasser _____	292
39. Perceived Attractiveness of Harasser _____	292
40. Frequency Distribution of Reactions to Sexual Harassment _____	293 - 294
41. Frequency Distribution of Most Assertive Reactions toward Sexual Harassment _____	295
42. Frequency Distribution of Reasons for Non-Reporting of Sexual Harassment _____	296

43. Frequency Distribution of Person with whom Sexual Harassment was Discussed _____	315297
44. Effect of Talking to Somebody _____	298
45. Individual Effect of Talking to Somebody _____	298
46. Frequency Distribution of Emotional Responses to Sexual Harassment _____	299
47. Frequency Distribution of Psychological and Physical Reactions to Sexual Harassment _____	300
48. Frequency Distribution of the Effect of Sexual Harassment on Work Situation	301
49. Frequency Distribution of Assignment of Responsibility/Blame _____	303

LIST OF APPENDICE

Appendix A : Exploratory Study Questionnaire

Appendix B : Major Study Questionnaire

CHAPTER 1

BACKGROUND, PROBLEM FORMULATION AND GOAL SETTING

1.1 Introduction and Background

Sexual harassment is a complex issue involving men and women, their perceptions and behaviour, and the social norms of the society (Aggarwal, 1987). It is a new name describing an old problem. Generations of women have suffered from unwanted sexual attention at work and from offensive behaviour based on their gender (Conditions of work digest, 1992).

Sexual harassment is new as a social issue, although it is not a new problem for the women who are its victims. Only within the past decade has the term sexual harassment been coined to characterise certain sets of interactions in organisational settings that heretofore had gone unnamed and undiscussed. By labelling a broad range of behaviours as sexual harassment, women broke through the prevailing silence about this aspect of women's work experience, helped clarify it, and legitimised it as a problem. This provided a basis on which women could redefine their own personal experience (Brewer & Berk, 1982).

Intimate violation of women by men is sufficiently pervasive in society as to be nearly invisible. Contained by internalised and structural forms of power, it has been nearly inaudible. Conjoined with men's control over women's material survival, as in the home or on the job, or over women's learning and educational advancement, it has become institutionalised. Women employed in the paid labour force, typically hired as "women", dependent upon their income and lacking job alternatives, are particularly vulnerable to intimate violation in the form of sexual abuse at work. In addition to being victims of the practice, working women have been subject to the social failure to recognise sexual harassment as an abuse at all. Tacitly, it has been both acceptable and taboo; acceptable for men to do, taboo for women to confront, even to themselves. But the systematic silence enforced by employment sanctions is beginning to be broken. The daily impact upon women's economic status and work opportunities, not to mention psychic health and self-

esteem, is beginning to be explored, documented, and, increasingly, resisted (Mackinnon, 1979).

Sexual harassment impacts many people - young and old - male and female - executives and trainees - labourers and professionals - supervisors and subordinates. Its victims, obviously, include the harassed. But sexual harassment also negatively impacts the supervisor of the harassed, the peers, top management, the stockholders, and the customers or clients that the organisation exists to serve. When sexual harassment exists, the total organisation is impacted in some negative way. It restricts the ability of individuals to perform. It reduces an organisation's capability to deliver those goods/services it is in business to produce (Meyer, Oestrich, Collins & Berchtold, 1981).

Quite obviously, this is an emotionally laden issue. There will be widely separated viewpoints and the potential for conflict and escalation of that conflict is very great. There is also the strong possibility that constructive problem solving will be blocked by "side-taking". Add to that the frustration with those who do not take the issue seriously or do not realise that their behaviour may be viewed by another as sexual harassment (Meyer et al., 1981).

Although harassers and harassees come in both sexes, the great majority of situations involve one or more male harassers and a lower-level female harassee. "She" is therefore still very much a proper pronoun when sexual harassment is discussed and will be used here for ease of identification throughout.

The phenomenon of sexual harassment is pervasive throughout the work-place in our society. It occurs among all job categories, ages, marital statuses, and pay ranges (Farley, 1978). In a number of surveys, 49 to 90 percent of women in various occupations surveyed, in separate studies, reported experiencing sexual harassment at work. Assuming that these types of surveys and studies are valid, it is obvious that we are witnessing an abuse which is systematic rather than individual/personal, and as such, the situation clearly calls for a comprehensive response.

The statistical indications of widespread sexual harassment in employment are even more extraordinary in light of the lack of public information and general social awareness of the problem, as well as the fact that persons who are the object of such overtures and harassment are more often than not sensitive, frequently embarrassed, and demeaned/intimidated by these acts (Pepper & Kennedy, 1981).

Prior to 1976, few reliable statistics on the incidence of sexual harassment were available. However, recent studies confirm that sexual harassment is one of the most serious and widespread problems facing women in employment today (Aggarwal, 1987).

When faced by a problem so pervasive as described above, it definitely justifies a study of this kind. With reliable statistics lacking, it is difficult to estimate how widespread sexual harassment is in South Africa. In 1992 a study was conducted among a few South African organisations, but no in-depth study in one organisation was done. Because of this lack of an in-depth study in one single organisation, the need arose to conduct such a study - especially in a large organisation with a workforce that is representative of the country's demographics.

Another reason for a study of this kind, is the time that has passed since the 1992 study, with all the accompanying discussions of sexual harassment in the media, which probably would have brought about an improvement in knowledge about and attitudes toward sexual harassment.

1.2 Problem Formulation

A few "problems" or needs for further in-depth study into sexual harassment will be discussed below.

One of the difficulties in discussing and trying to understand the subject and in attempting to resolve individual problem situations is the lack of a widely agreed upon, commonly accepted working **definition**, one that is both broad enough to comprehend the variety of experiences to which the construct refers, and yet specific enough to be of practical use (Paludi, 1990).

There is a wide divergence of **perceptions** in our society as to what words or actions constitute sexual harassment. Because of the complexity of human behaviour, it is difficult to pinpoint what exact behaviour will be perceived as harassment by any particular individual. It is often difficult to draw the line between what is "acceptable" and what is "unacceptable" behaviour in the work-place (Aggarwal, 1987).

In general, women and men seem to have differing perceptions about what is appropriate behaviour at work, they may have different intentions and motives when they make sexual advances, and they are differentially affected by sex at work. Women are more likely to be sexually harassed and to feel sexually harassed.

The biggest gender gap does not have to do with people's experiences or with their definition of harassment; it has to do with their attitudes and reactions to overtures from the opposite sex. In a Los Angeles County survey men said they would be flattered by a proposition made by a woman at work. Whereas most women said that sexual advances are insulting to them. The reason for this, may be that for women, sexual overtures more frequently lead to unpleasant negative job consequences, whereas there are few discernible job consequences for men (Gutek, 1985).

This gender difference in attitudes implies that types of sexual behaviours that may be evaluated negatively by a woman may be evaluated positively by a man. Another implication of the gender difference in perceptions of sexual overtures at work is that men may be more likely than women to initiate sexual behaviours at work that lead to complaints of harassment, since they are less likely to view such behaviours as unacceptable.

The differences can be partly explained by different personal orientations toward sexual overtures at work, partly by different experiences with sexual overtures, and partly by the gender composition of the work environment, which facilitates gender stereotyping (Konrad & Gutek, 1986).

A number of the more predominant **myths** about sex on the job still find widespread acceptance despite the fact that they bear no relation to reality. As a consequence

of these myths, victims of sexual harassment may feel guilty about their reactions to behaviour that other people consider trivial, and ashamed to tell anyone in case they are blamed for encouraging the harasser. Fear of embarrassment and humiliation from co-workers or an employer can be as or more distressing than the incident itself, and prevents women from speaking out (Hadjifatiou, 1983).

⑥ The consequences of being sexually harassed devastates one's physical well-being, emotional health, and vocational development (Paludi & Barickman, 1991). Specific effects women report include: feeling powerless or trapped; becoming self-conscious about their appearance; feelings of defeat and diminished ambition; decreased job satisfaction and impairment of job performance; and physical symptoms such as nervous stomach, migraines, and loss of appetite (Chapman & Gates, 1978). Psychological and physical reactions, depression, insomnia, headaches, all indicate that harassment is a major contributor to stress at work. Sexual harassment strikes down hard on a person's emotional well-being. When an individual is sexually threatened or continuously exposed to the elements of a sexually hostile environment, the negative effects of such exposure or activity can mentally break down an otherwise competent and well-adjusted individual. Depending on the degree of harassment, the emotional injuries of sexual harassment can have far-reaching and extremely damaging effects on a person (Neville, 1990).

Research has indicated that depending on the severity of the harassment, between 21 percent and 82 percent of all women report that their emotional and/or physical condition deteriorated as a result (Paludi et al., 1991). A frequent **coping tactic** is refusal to acknowledge that harassment exists. Another coping strategy is to deny the seriousness of the problem (Dziech & Weiner, 1990).

Research indicates that the great majority of women who are abused by behaviour that fits legal definitions of sexual harassment - and who are traumatised by the experience - **do not label** what has happened to them "sexual harassment". Because of the absence of a commonly accepted understanding of the nature, extent, and traumatic impact of sexual harassment - and because of the socio-cultural forces that condition many women to blame themselves for abuse they have

experienced - women who have been victimised often need resources for education and counselling before they can recognise and challenge what has happened to them (Paludi et al., 1991).

When the reactions of victims affect the employee's performance at work, the productivity, focus, and effectiveness of the individual and the group may suffer as the victim of harassment attempts to cope with her situation (Wagner, 1992). In addition to the cost of court cases, which is painfully obvious to management, research shows other costs to organisations in the form of lower productivity, less efficiency, and lower job satisfaction, as well as loss of valuable employees through resignation, voluntary transfer to other departments, and lowered commitment to the organisation (Gutek, 1985). If sexual harassment is a rampant feature within an organisation, the result is a high female turnover (with all the associated costs in training and lost production) and a poisoned working environment. Office morale as a whole suffers, and with it follows a definite plunge in productivity (Backhouse & Cohen, 1981). The hidden expenses of turnover, sick leave and absenteeism, and decreased effectiveness are the real corporate issues; indeed, they may directly affect not only how corporations respond to women bringing sexual harassment allegations to their attention, but may be significant factors in shaping their views of women in the work-place (Wagner, 1992).

1.3 Goal Setting

From the above discussion of the problems of sexual harassment, it becomes apparent that there exists a definite need for further research. Aligned with the problem formulation several goals have been set out for this particular study in order to attempt to resolve some of the issues. Some of the goals will be realised by the end of this thesis (purely on a theoretical basis), while others (the more practical side) will take the form of recommendations to the management of the company under discussion. The goals of this study are to:

1. Determine the extent of the problem of sexual harassment within the company under scrutiny.

2. Develop a widely agreed upon, commonly accepted working **definition** of sexual harassment - one that is broad enough to comprehend the variety of experiences to which the construct refers, and yet specific enough to be of practical use.
3. Create a common understanding/perception in men and women as to what comprises "acceptable" and "unacceptable" behaviour in the workplace.
4. Eliminate the myths concerning sexual harassment that exist in the workplace.
5. Educate women in:
 - how to recognise sexual harassment and label it as such
 - how to cope with sexual harassment
 - where to go to for support.
6. Establish counselling facilities for victims of sexual harassment.
7. Convince management of the costs of sexual harassment for the company.
8. Suggesting the following for the company:
 - a policy on sexual harassment (aimed at preventing sexual harassment from occurring and at ensuring that, if it does occur, it does not recur)
 - a mechanism that promptly, fairly, and confidentially receives and processes complaints of sexual harassment
 - training programmes as a preventative measure and not merely as a means of crisis management (education is needed in men's perceptions of the misuse of power, their perceptions about women who have been harassed, and their attitudes toward sexual interactions; women, too, have a responsibility for dealing with sexual harassment, and they will need training in learning how to do this).

1.4 Conclusion

The picture of sexual harassment that emerges as understanding of the phenomenon grows is not only one of a common experience, but also a damaging one.

In order to attain the goals set out in section 1.3, the thesis will take the following format:

A comprehensive literature study in chapter 2 discusses what sexual harassment is, the motivations for sexual harassment, the victims of harassment, the "typical" harassers, the impact of sexual harassment on the victim, the implications for organisations, the legal implications of sexual harassment, the responsibility of employers/management and actions that women could take.

The research strategy that was followed with the exploratory study as well as the major study is discussed in chapter 3, explaining the sampling method, the questionnaire design, the data collection method and the data analysis. Chapter 4 looks at the analysis of the data, the results and conclusions, while the estimated value of the study, critique and recommendations are discussed in chapter 5.

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CHAPTER 2

LITERATURE STUDY

1. INTRODUCTION

Sexual harassment has always been part of the experience of women who worked outside their own homes. Sexual intrusions such as lewd comments, inappropriate touching, propositions, and even rape have been described in historical accounts of the daily work life of women, but they were not singled out for analysis as a social phenomenon until recently (Paludi & Barickman, 1991).

During the last decade, sexual harassment has become a subject of increasing concern for large and small employers alike, as well as for all levels of employees, the media and the public (Wagner, 1992). Sexual harassment exploded into one of the hottest issues of the decade when an American law professor accused a Supreme Court candidate of the dastardly deed. In October 1991, Anita Hill laid a charge of sexual harassment at the door of Clarence Thomas, a US Supreme Court nominee. In a high-profile Senate hearing, Hill's claims were rejected, and Thomas was appointed to the Supreme Court. But Hill had focused the world's attention on the subject, women became more vocal about their experiences, and more cases became public (Coleman, 1994).

Over the course of the hearings, we slowly learned what employers have known for some time: that sexual harassment situations are fraught with pitfalls, that the truth can be elusive as claims and counterclaims compete for credibility.

In the course of handling sexual harassment situations, employers have come to understand that this very sensitive area can be difficult to deal with, disruptive to the work-place, and disagreeable to all concerned. And the stakes are high and getting higher. In an increasingly litigious society and in an era of ever-increasing employee rights and employer responsibilities, sexual harassment allegations are particularly hazardous. Everyone involved has rights, and frequently these rights conflict (Wagner, 1992).

Unfortunately, the work environment lends itself to exploitation, especially when we are not dealing with a meeting of equals. In a society where a woman is fundamentally defined as a sex object, and men hold most of the positions of power and influence in a hierarchical work structure, it is inevitable that sexual harassment has become a pervasive feature of many working environments (Backhouse & Cohen, 1981).

Unpleasant experiences of sexual harassment on the job have been kept a secret by large numbers of women for decades (Neville, 1990). Because of the fear of losing their jobs, many women have silently endured sexual harassment in the work-place, considering it to be a "normal" occupational hazard (Aggarwal, 1987).

Although sexual harassment has always been in the work-place, it was not being acknowledged or dealt with until just a few years ago. The blame and embarrassment almost always fell on the shoulders of the woman being harassed (Neville, 1990). However, the social and political climate on women's issues has begun to change. This social change has encouraged women's groups and organisations to discuss women's issues openly and demand equity, fairness, and justice in the work-place and in their social life (Aggarwal, 1987). It is just within the past couple of years that women who have been sexually harassed are showing the courage and strength - and fortunately finding the means - to end behaviour that hurts us all (Neville, 1990).

For women, is it not just a work-place issue but one of the major issues of their lives. From the cradle to the grave women have to learn how to cope with it, learn from it, and seek redress as a result. Twenty years ago many people laughed if a girl complained that she had been "groped". A typical response was, "She must have 'asked for it'". In recent months and years, however, cases have come to the light proving that it is by no means a laughing matter for the victims (Pattinson, 1991).

There are still people who regard sexual harassment of women as an office joke, or say women bring it onto themselves. Some men even regard it is a "fringe benefit" to which their position, their power and their sex entitles them (Prekel, 1988).

For women, sexual harassment may represent a major work-place problem or a minor annoyance. In comparison to such major issues for women workers as adequate day-care, equal pay, or discrimination in hiring and promotion, sexual harassment may seem like a minor problem. On the other hand, for women who have quit or been fired because they were harassed or for women who have put up with a barrage of comments or unwelcome touching, sexual harassment may represent a much greater personal problem than unequal pay or inadequate fringe benefits. All in all, it is difficult to rank sexual harassment in the list of concerns of working women. Trying to do so is probably unproductive. It is a problem worthy of attention both because it does affect a large proportion of women and because it appears to have a solution (Gutek, 1985).

2. HISTORY OF SEXUAL HARASSMENT

Although only recently reaching public awareness as an important issue, the sexual harassment of women workers has been a problem for as long as women have worked outside the home. The history of sexual harassment dates back at least to the time women first traded their labour in the marketplace (Paludi et al., 1991).

During the Industrial Revolution the appalling working conditions nurtured a very ripe environment for sexual harassment. A number of royal commissions were set up to investigate the plight of the working class. None of these investigations examined the prevalence of sexual abuse. Instead they inquired into the question of immorality on the part of working women.

- **Slavery**

Slave women's physical labour and their sexual favours belonged outright to their male masters. Slaves had no legal right to refuse sexual advances from their masters. This sexual privilege spilled over to the slave owner's neighbours, visitors, and younger sons. Lower-class males, acting as overseers in the employ of the slave owner, also exercised their sexual prerogatives with slave women. Gross manifestations of sexual harassment were obviously a recurrent feature of the slavery system (Backhouse et al., 1981).

- **Factories**

Evidence from the 1832-4 Poor Law Commission prompted Frederick Engels to write:

The employer is sovereign over the persons and charms of his employees. The threat of discharge suffices to overcome all resistance in nine cases out of ten...If the master is mean enough, his mill is also his harem (Hadjifatiou, 1983).

Women factory workers in the latter half of the nineteenth century and the early part of the twentieth century worked under nearly intolerable conditions, and they, too, suffered sexual harassment on the job. The many women who experienced sexual abuse in the factories and shops suffered their humiliation and fear in private. Although sexual exploitation of young girls by men in power was a source

of outrage among the female workers, few could afford not to play by the rules. Individual women trying to fight back against sexual abuse were rarely successful. However, once women working in factories and shops were unionised and union grievance committees were set up, charges of sexual abuse became one of the major complaints made by female workers to union officials. The attitudes of many union organisers were similar to those prevailing in society at large. The attitude was that sexual harassment was a female problem and not a crime against women.

The working conditions in the factories during the nineteenth and early twentieth centuries were highly exploitative and clearly conducive to gross manifestations of sexual harassment (Backhouse et al., 1981). The practice of sexual harassment contributed to the premature deaths of an incalculably large number of working women. In addition, the climate of the times made it extremely difficult for a woman accused of sexual wrongdoing to clear herself, since mere accusation tended to smear her reputation irrevocably. Subsistence wages contributed to the mortal danger sexual harassment posed for these early working women. To refuse invariably resulted in retaliation, which commonly ended in either a decrease in present wages or losing the job altogether, the sure road to starvation. At the same time, to accept was sure damnation; after this marriage was out of the question and future employment was also forbidden. Prostitution was the only remaining option (Farley, 1978).

Public discussion of sexual harassment of working women in the factories, revealed class antagonism. Whenever it was admitted that working women were suffering from sexual abuse on the job, discussion would focus on the fact that the first generation of industrial chiefs belonged to the uneducated classes.

- **Twentieth century**

Twentieth-century trends in the workforce have witnessed a growing number of female workers employed outside the home. Women from the poorer classes have always worked outside their homes, but growing numbers of middle- and upper-class women, both single and married, have entered the workforce in recent years. The structural change in the workforce, with a great expansion of white-collar and service industries, provided a large number of new jobs of the

sort traditionally thought of as "female", and the growing numbers of working women filled these spots (Backhouse et al., 1981). These jobs include secretary, typist, file clerk, telephone operator, waitress, cook, nurse aide, and maid. These jobs have been under-valued, and are characterised by low pay, little chance for advancement, high turnover, usually no union protection, and few benefits (Clarke, 1982). Rather than being distributed evenly over the occupational structure, women have continued to be slotted into a few jobs and have remained practically absent from most others. This increase has of itself increased the incidence of sexual harassment on the job. There are simply more working women to be harassed (Backhouse et al., 1981).

It is a practice that until now has gone virtually unchallenged, largely as the result of a wide social acceptance of such behaviour. For evidence of this we have only to refer to the countless jokes and cartoons about women and work that characterise much of our popular culture (Farley, 1978).

At least until 1976, no one had a name for this collective experience (Stanko, 1985). The effort toward legitimisation began in 1976 when feminists labelled the previously unnamed problem "sexual harassment", thus challenging it as an accepted behavioural norm. Surveys documenting the incidence, severity and deleterious consequences of sexual harassment bolstered the problem's legitimacy. Public concern was raised by surveys showing that victims suffered psychologically and economically as a result of harassment experiences. In addition, research exposing the costs of sexual harassment to business helped raise organisational concern. Finally, feminists added to the problem's legitimacy by identifying the role of sexual harassment in perpetuating women's inequitable social and economic status. These efforts to name the problem and document its individual, institutional and socio-economic consequences helped establish sexual harassment as a legitimate problem (Livingston, 1982).

Therefore, it is only until very recently that the term "sexual harassment on the job" has become a common topic of discussion and women have begun to demand that such abuse cease.

There are many theories why this is such a recent phenomenon. One is that since more women are working, there are more instances of sexual harassment and that this has brought the problem to a head. Another is that middle-class women have begun to recognise they will continue to work outside their homes for the majority of their lives. This causes them to take threats to their working status - such as sexual harassment - more seriously. Women are less afraid to challenge sexual harassment in the work-place and to fight against injustice. Finally, as the first brave individuals fight back to stop the perpetrators of sexual harassment, the public attention focused on their cases causes media and public discussion of the realities of sexual abuse and intimidation on the job (Backhouse, 1981).

3. DEFINITIONS OF SEXUAL HARASSMENT

One of the difficulties in discussing and trying to understand the subject and in attempting to resolve individual problem situations is the lack of a widely agreed upon, commonly accepted working definition, one that is both broad enough to comprehend the variety of experiences to which the construct refers, and yet specific enough to be of practical use (Paludi, 1990). The subject is generally discussed by means of examples which can vary widely in terms of the behaviours involved and the context. Somehow, a lewd remark and physical assault seem to be in the same broad category called sexual harassment.

Of the definitions offered, many fall short in terms of completeness and often reveal a bias on the part of the writer. However, in fairness, these limitations are not unlike what occurs during the early stages of investigation of any new phenomenon, either physical or sociological. A person begins to form a picture of the whole, based on initial data, and that picture changes as new data is made available (Meyer et al., 1981).

It is thus not surprising that women would not complain of an experience for which there has been no name, but the unnamed should not be taken for the non-existent. Until 1976, lacking a term to express it, sexual harassment was literally unspeakable, which made a generalised, shared and social definition of it inaccessible.

Definitions of sexual harassment are important because they educate the workplace and promote discussion and conscientious evaluation of these experiences. They are also crucial to the process of helping those who have been harassed because most individuals do not identify what has happened to them as sexual harassment.

The following are definitions found in literature and used in policies, as well as in the legal system.

- **Equal Employment Opportunity Commission**

Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature that constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

- **Council of Ministers of the European Countries**

Sexual harassment is conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work, including conduct of superiors and colleagues. Such conduct constitutes an intolerable violation of the dignity of workers or trainees and is unacceptable if:

- such conduct is unwanted, unreasonable and offensive to the recipient;
- a person's rejection of, or submission to, such conduct on the part of employers or workers (including superiors or colleagues) is used explicitly or implicitly as a basis for a decision which affects that person's access to vocational training, access to employment, continued employment, promotion, salary or any other employment decisions; and/or
- such conduct creates an intimidating, hostile or humiliating working environment for the recipient (Conditions of work digest, 1992).

- **De Kock (South African Industrial Court)**

In its narrowest form sexual harassment occurs when a woman (or a man) is expected to engage in sexual activity in order to obtain or keep employment or obtain promotion or other favourable working conditions. In its wider view it is,

however, any unwanted sexual behaviour or comment which has a negative effect on the recipient (Bazilli, 1991).

- **MacKinnon (1979)**

Sexual harassment...refers to the unwanted imposition of sexual requirements in the context of a relationship of unequal power. Central to the concept is the use of power derived from one social sphere to lever benefits or impose deprivations in another. When one is sexual, the other material, the cumulative sanction is particularly potent (Paludi et al., 1991).

- **Lafontaine & Tredeau (1986)**

Sexual harassment is defined as any action occurring within the work-place whereby women are treated as objects of the male sexual prerogative. Furthermore, given that women are invariably oppressed by these actions, all such treatment is seen to constitute harassment, irregardless of whether the victim labels it as problematic (Paludi, 1990).

- **TUC Women's Advisory Committee**

Repeated and unwanted verbal or sexual advances, sexually explicit derogatory statements or sexually discriminating remarks which are offensive to the worker involved which cause the worker to feel threatened, humiliated, patronised or harassed or which interfere with the worker's job performance, undermine job security or create a threatening or intimidating work environment. Sexual harassment can take many forms, from leering, ridicule, embarrassing remarks or jokes, unwelcome comments about dress or appearance, deliberate abuse, the repeated and/or unwanted physical contact, demands for sexual favours, or physical assaults on workers (Hadjifatiou, 1983).

- **The Michigan Task Force on Sexual Harassment in the Workplace**

(1) Sexual relations, sexual contact, or the threat of, or coercion for the purpose of, sexual relations or sexual contact, which is not freely and mutually agreeable to both parties;

- (2) The continual or repeated verbal abuse of a sexual nature, including, but not limited to, graphic commentaries on the victim's body, sexually suggestive objects or pictures in the work-place, sexual degrading words used to describe the victim, or propositions of a sexual nature;
- (3) The threat or insinuation that lack of sexual submission will adversely affect the victim's employment, wages, advancement, assigned duties or shifts, academic standing, or other conditions that affect the victim's livelihood (Clarke, 1982).

- **Till (1980)**

Generalised sexist remarks and behaviour, not necessarily designed to elicit sexual co-operation. Rather, they convey insulting, degrading, or sexist attitudes about women.

Inappropriate and offensive, but essentially sanction-free sexual advances. Although such behaviour is unwanted and offensive, there is no penalty attached to the woman's negative response.

Solicitation of sexual activity or other sex-linked activity by promise of reward.

Coercion of sexual activity by threat of punishment.

Sexual crimes and misdemeanours, including rape and sexual assault (Paludi, 1990).

- **Fitzgerald, Shullman, Bailey, Richards, Swecker, Gold, Ormerod & Weitzman (1988)**

These authors view sexual harassment along a continuum, with gender harassment on one end, and sexual imposition on the other.

Gender harassment: Generalised sexist statements and behaviour that convey insulting, degrading, and/or sexist attitudes

Seductive behaviour: Unwanted, inappropriate, and offensive physical or verbal sexual advances

Sexual bribery: Solicitation of sexual activity or other sex-linked behaviour by promise of reward

Sexual coercion: Coercion of sexual activity or other sex-linked behaviour by threat of punishment

Sexual imposition: Assault and/or rape (Paludi et al., 1991).

- **Farley**

Sexual harassment is best described as unsolicited non-reciprocal male behaviour that asserts a woman's sex role over her function as a worker (Meyer et al., 1981).

- **Lott and Reilly**

A continuum of behaviour ranging from physical sexual assault at one extreme, through intimidation (threat or bribery), and encompassing verbal and non-verbal sexual insults on the other end (Somers, 1982).

- **Working Women United Institute (WWUI)**

Any repeated and unwanted sexual comments, looks, suggestions or physical contact that you find objectionable or offensive and that causes you discomfort and/or interferes with your job (Chapman et al., 1978).

- **Sedley & Benn**

Sexual harassment involves repeated, unreciprocated and unwelcome comments, looks, jokes, suggestions or physical contact that might threaten a woman's job security or create a stressful or intimidating working environment (Wilson, 1983).

- **Alliance Against Sexual coercion**

Any sexually oriented practice that endangers a woman's job - that undermines her job performance and threatens her economic livelihood (Backhouse et al., 1981).

- **Fitzgerald (1990)**

Sexual harassment consists of the sexualisation of an instrumental relationship through the introduction or imposition of sexist or sexual remarks, requests, or requirements, in the context of a formal power differential. Harassment can also occur where no such formal power differential exists, if the behaviour is unwanted by, or offensive to the woman. Instances of harassment can be classified into the

following general categories: gender harassment, seductive behaviour, solicitation of sexual activity by promise of reward or threat of punishment, and sexual imposition or assault (Paludi, 1990).

- **United States Government Board**

Sexual harassment constitutes deliberate or repeated unsolicited verbal comment, gesture or physical contact of a sexual nature that is considered to be unwelcome by the recipient (Masi & Stanton, 1990).

- **Campbell**

Sexual harassment is an unwelcome, unwanted imposition in a relationship of unequal power (Field, 1989).

- **Idaho Commission on Human Rights**

Sexual harassment is any unwelcome sexual conduct, verbal or physical, that creates a hostile environment interfering with the employee's ability to do his/her job (Branson & Branson, 1988).

The concept of intent is not addressed; rather, it is the power differential and/or the woman's reaction that are considered to be the critical variables. Thus, when a formal power differential exists, all sexist or sexual behaviour is seen as harassment, since the woman is not considered to be in a position to object, resist, or give fully free consent; when no such differential exists, it is the recipient's experience and perception of the behaviour as offensive that constitutes the defining factor.

One of the more controversial implications of such a definition is that, within this framework, so-called consensual relationships between persons of formally different statuses would be, strictly speaking, impossible. While not always unethical, such relationships are almost always unwise (Paludi, 1990).

The concern with the above-proposed definitions is with their breadth. If these definitions were to be followed by the courts, their subjectivity would preclude employers or male workers from knowing *what* actions constitute sexual harassment. The best definition will specifically indicate what conduct will be

unacceptable in the workplace. Sexual harassment will be more effectively eliminated from the workplace if objective, not subjective, standards are set which will assure the reasonable person a good working environment (Stead, 1985).

Drawing together the elements of these various definitions, sexual harassment means all those actions and practices by a person or group of people at work which are directed at one or more workers and which:

- are repeated and unwanted;
- may be deliberate or done unconsciously;
- cause humiliation, offence or distress;
- may interfere with job performance or create an unpleasant working environment;
- comprise remarks or actions associated with a person's sex;
- emphasise a person's sexuality over her role as a worker (Hadjifatiou, 1983).

The definition should affirm that sexual harassment is sex discrimination, damaging to the work community, refers to a broad range of behaviours, and may occur as single or repeated incidents (Dziech et al., 1990).

4. TWO CATEGORIES OF SEXUAL HARASSMENT

The courts recognise two distinct settings in which conduct may be found to constitute sexual harassment. The first is characterised as the "**quid pro quo**" setting, in which favourable or unfavourable terms and conditions of employment depend upon the employee's response to sexual conduct in the work-place. The second setting is the "**hostile or offensive work environment**" situation, in which sexual conduct makes the atmosphere of the work-place unfairly unpleasant for workers of one gender or the other.

4.1 *Quid pro quo sexual harassment*

Quid pro quo ("this for that") sexual harassment refers to a situation where a person's rejection of conduct of a sexual nature "is used explicitly or implicitly as a basis for a decision which affects that person's access to vocational training, access to employment, continued employment, promotion, salary or any other employment decisions" (Conditions of work digest, 1992). This setting would include the classic case of the subordinate female worker required to have sex with her boss in order to keep her job and the case of the employee who gets fired when she responds unfavourably to her boss's overture (Baxter & Hermle, 1989). The exchange can be anything but subtle, although its expression can be euphemistic (MacKinnon, 1979).

The Equal Employment Opportunity Commission (EEOC) has published guidelines which **define** this type of sexual harassment as:

unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature...when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual (Paludi, 1990).

Characteristics of Quid Pro Quo

- To be in a position to make these kinds of job-related threats or promises, the harasser needs to be in a position of authority over the harassed employee.
- The charging party must be able to show money damages to successfully claim quid pro quo harassment. Since the terms and conditions of employment are always directly involved, money damages are usually easy to demonstrate. Damages can include moneys associated with lost promotion opportunities, missed raises, or in the event of actual or constructive discharge, the full value of wages and benefits lost less an amount the charging party reasonably have earned had she pursued another job opportunity.
- Unlike hostile environment harassment, one incident can be enough in quid pro quo situations (Wagner, 1992).

Assuming there has been an unwanted sexual advance, a resulting quid pro quo can take one of **three possible shapes**.

1. In situation one, the woman declines the advance and forfeits an employment opportunity. This raises the clearest pattern: sexual advance, non-compliance, employment retaliation.

Following the woman's refusal, the man retaliates through use of his power over her job/career. Retaliation comes in many forms. The woman may be threatened with demotions and salary cuts; unfavourable material may be solicited and put in her personal file; or she may be placed on disciplinary layoff.

Sudden allegations of job incompetence and poor attitude commonly follow rejection of sexual advances and are used to support employment consequences.

2. In situation two, the woman complies and does not receive a job benefit. Even less is known about women who comply than about those who refuse. But there is little to suggest that women who meet sexual conditions receive

job benefits. Employment sanctions simultaneously prohibit and compel compliance with employment-related sexual advances. Women both must and may not comply - or face the consequences.

If such a compact were made and broken, a woman attempting to get the benefit of her bargain would encounter little sympathy and probably less legal support. But this misconstrues the issue. Whether or not the woman complies, the crucial issue is whether she was sexually coerced by economic threats or promises. Her compliance does not mean it is not still blackmail. Nevertheless, allowing a compliant woman to sue for sexual harassment when an exchange fails leaves open the unattractive possibility of encouraging women to acquiesce in unwanted sex for purposes of career advancement, knowing that they can enforce the man's promise if he does not perform as agreed. For this reason it would seem preferable to define the injury of sexual harassment as the injury of being **placed in the position** of having to choose between unwanted sex and employment benefits or favourable conditions.

From the standpoint of proof, situation two would then make a woman's case weaker than before she complied. It would simply undercut the plausibility of the argument that her advancement was contingent upon compliance.

3. In situation three, the women who comply with sexual conditions are advantaged in employment over men or over women who refuse.

Despite the indications that few benefits redound to the woman who accedes, much folklore exists about the woman who "slept her way to the top". These aphorisms suggest that women who are not qualified for their jobs or promotions acquire them instead by sexual means. Since so few women get to the top at all, it cannot be very common for them to get there by sexual means.

Presuming for the argument that these stories have some truth, one might look at women who "succeed" this way as having extricated themselves from a situation of sexual harassment. Rather than deriving unfair advantages because of their sex, perhaps they had to meet unfair requirements because of their sex.

In this perspective, for every woman who "slept her way to the top", there were men who offered rewards, supervision, and attention to her development only at a sexual price. To the extent they are true then, these stories document a point seldom made: men with the power to affect women's careers allow sexual factors to make a difference.

But to believe that instances raised in situation three symmetrically outweigh the injury that women as a whole suffer from sexual harassment ignores the evidence and provides a convenient excuse not to take the problem seriously.

In a fourth logical possibility, which does not require further discussion, the woman refuses to comply, receives completely fair treatment on the job, and is never harassed again (MacKinnon, 1979).

The **elements** necessary to establish a **quid pro quo claim**, are:

1. The employee belongs to a protected group.
2. The employee was subject to unwelcome sexual conduct. This conduct must be unwelcome in the sense that the employee did not solicit or incite it, and in the sense that the employee regarded the conduct as undesirable or offensive.
3. The conduct was based upon the gender of the employee, i.e., the plaintiff must show that but for the fact of her sex, she would not have been the object of harassment.
4. The employee's reaction to the conduct affected tangible facets of the employee's compensation, terms or privileges of employment; in other words, submission to the unwelcome advances was an express or implied condition for receiving benefits or refusal to submit resulted in a tangible job detriment.
5. Grounds to hold the employer responsible for the offending conduct (Baxter et al., 1989).

Quid pro quo harassment is considered the most violent kind of harassment, since it entails an employee giving up her humanity as a condition for continued employment (Cabrera & Kleiner, 1992).

4.2 Hostile/Offensive Work Environment

The situations generally involved in hostile environment claims are less clear-cut. Unwanted sexual advances, made simply because she has a woman's body, can be a daily part of a woman's work life. She may be constantly felt or pinched, visually undressed and stared at, surreptitiously kissed, commented upon, manipulated into being found alone, and generally taken advantage of at work - but never promised or denied anything explicitly connected with her job. Never knowing if it will ever stop or if escalation is imminent, a woman can put up with it or leave (MacKinnon, 1979).

Offensive environment harassment is **defined** by the EEOC Guidelines as:

Sexual advances, request for sexual favours, and other verbal or physical conduct of a sexual nature...when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment (Paludi, 1990).

A hostile environment can be created within a few days or may develop throughout many years; it may pertain to a single employee or to many; it may violate the rights of non-participants as well as those who are the victims of unwelcome conduct (Baxter et al., 1989).

Sexual harassment as a working condition often does not require a decisive yes or no to further involvement. The threat of loss of work explicit in the quid pro quo may be only implicit without being any less coercive. Since communicated resistance means that the woman ceases to fill the implicit job qualifications, women learn ways to avoid the open refusals that anger men and produce repercussions. This requires "playing along", and an ability to project the implication that there is a sexual dimension to, or sexual possibilities for, the relationship, while avoiding the explicit "how about it" that would force a refusal into the open (MacKinnon, 1979).

Characteristics of Hostile Environment Harassment

- Harassers may be anyone in the work-place : supervisors, co-workers, customers, suppliers, or visitors.
- Unlike quid pro quo harassment, one isolated incident is rarely enough. Hostile environment harassment requires that the offensive conduct be continuous, frequent, repetitive, and part of an overall pattern, rather than one event or even several isolated incidents separated by some length of time.
- Money damages do not need to be demonstrated and, in fact, may not exist.
- The conduct must rise to such a level that the charging party's job performance is interfered with or her working atmosphere is rendered abusive.

To determine whether or not these conditions have been met, the Equal Employment Opportunities Commission recommends consideration of these factors:

- (1) the extent to which the conduct affected the employee's terms and conditions of employment;
- (2) whether the conduct was repeated or isolated;
- (3) whether the conduct was intended or perceived seriously or in jest; and
- (4) the degree to which the conduct is contrary to community standards.

These factors emphasise the importance of the unique facts and circumstances involved in every situation, including such intangibles as generally held attitudes and perceptions about sex at work that might vary substantially.

- To successfully bring a claim for hostile environment sexual harassment, a claimant must show not only that she herself was affected and offended by the sexual conduct but that an objective third party - a reasonable person - would also have been offended.

In 1991, a number of courts have replaced their reasonable **person** standard with a reasonable **woman** standard. This latest trend reflects judicial recognition of the fact that men and women tend to view sexual matters in very different ways and that what may be trivial to a reasonable male may be quite serious to a reasonable female. The reasonable- person standard tends to be male-biased and to ignore the experiences of women in a systematic way (Wagner, 1992).

Four elements must exist to establish a case of **hostile environment** sexual harassment.

- (1) The employee must belong to a protected group.
- (2) The employee must show that he/she was subject to unwelcome sexual harassment.
- (3) The harassment must have been based on sex and if it were not for the employee's sex, the employee would not have been subjected to the hostile or offensive environment.
- (4) The sexual harassment must have affected a term, condition, or privilege of employment. This is the case because one of the conditions of any employment is the psychological well-being of the employees (which is here adversely affected by an environment polluted with abusive and offensive harassment) (Carbonell, Higginbotham & Sample, 1990).

It is clear that not every sexual innuendo or flirtation gives rise to an actionable wrong and isolated instances are not likely to suffice. Nevertheless, in some circumstances a single severe incident can be a violation (Baxter et al., 1989).

5. WHAT IS SEXUAL HARASSMENT?

Sexual harassment is a complex, subtle, deeply rooted problem that arouses emotion and controversy. Thus far the presentation of the issue in public discussions and in the courts has been limited mainly to the most clear-cut examples of on-the-job sexual assault and situations where advancement or continued employment are contingent upon complying with sexual demands. However, it is clear that the problem reaches beyond these examples (Chapman & Gates, 1978).

The self-imposed silence of victims, which contributes to the continued invisibility of the problem, is reinforced by the cloud of confusion that exists - and is sometimes conveniently created - around what sexual harassment actually is (Dziech et al., 1990).

Identification of sexual harassment as a "women's issue", rather than as a pervasive pattern of abuse that contaminates a whole community, only creates another impediment to its identification and elimination (Paludi et al., 1991).

There are many forms of sexual harassment, and the term itself is new. In addition, women differ dramatically in their willingness and ability to identify and acknowledge the behaviour. "Sexual harassment" became a commonly used phrase only a few years ago, but the very word "sexual harassment" are ominous to some women; they seem too legalistic, too political, too combative. Many resist identification with what they consider a "feminist" issue, because they aren't comfortable with that label either.

A number of misconceptions of sexual harassment have found their way into the popular press, on television and radio, and in newspapers and magazines. Men in particular have begun to voice fears that sexual harassment concerns effectively prohibit any kind of social interaction between the sexes, even to the point of polite compliments on a woman's dress or asking what she did during the weekend. From both a legal and a practical perspective, these fears are unfounded, the product of misinformation or a lack of information (MacKinnon, 1979).

Actually, sexual harassment is not that difficult to recognise. It is not, in the vast majority of cases, ambiguous behaviour. It is not, as some imply, a figment of people's imaginations or a weapon women use to damage men's reputations. These worries are usually expressed by men and women who have had little experience dealing with harassment cases or who impose confusion on themselves.

Most of the confusion is attributable to the fact that sexual harassment has only recently been defined as a distinct phenomenon. "Harassment" means to annoy persistently, but "sexual harassment" is a particular type of abuse (Dziech et al., 1990).

Sexual harassment is not involved in normal, pleasant, friendly, or even mildly flirtatious interactions, as long as no reasonable person (woman) is offended. Common courtesy, common sense, and a habit of close observation of others' reactions to what is said and done go a long way in achieving a friendly work environment where both sexes can enjoy each other's company in an atmosphere free of sexual harassment (MacKinnon, 1979).

Sexual behaviour that a person finds personally offensive may be considered sexual harassment. It can manifest itself both physically and psychologically. Such behaviour may be subtle or obvious, verbal or non-verbal. Its scope may cover a wide range of behaviour that runs the gamut from patting women's bottoms when they walk down the hall; to pinching; to repeated, intrusive, insistent arms around the shoulder, couched in friendliness, but with a hidden agenda underneath; to an atmosphere contaminated with degrading comments, jokes, or innuendoes, and/or reference to women's bodies, to male prowess, and questions about women's sex lives; to public displays of derogatory images of women; to the requirement that women dress in costumes that leave them the target of sexual comments and propositions from the general public; all the way to the explicit propositions that require women to engage in sexual relations or be terminated or lose deserved promotions. It can, however, escalate to extreme behaviour amounting to attempted rape and rape.

Sexual harassment in this context is employment discrimination by means of sexual blackmail, being a comprehensive pattern of hostile behaviour meant to underscore women's difference from and, by implication, inferiority with respect to the dominant male group. It is a systemic, arbitrary abuse of male power and authority used to extract sexual favours, remind women of their inferior ascribed status, and deprive women of employment opportunities and equality. Sexual harassment in this context is an infringement of an employee's right to work in an environment free from sexual pressure of any kind (Aggarwal, 1987).

Sexual harassment at work can be divided into six escalating categories:

- **Aesthetic appreciation:** defined as appreciation of physical or sexual features. Remarks such as 'I love that outfit - it really shows your figure.'
- **Active mental groping:** such as men undressing women with their eyes, looking down blouses, etc.
- **Social touching:** apparently within normal conventions but with a caressing hand on the shoulder rather than a friendly hand.
- **Foreplay harassment's:** this is when the touching is more openly sexual. Men who consistently brush up against women or who are 'experts' at finding loose hairs on women's clothing or who 'helpfully' tuck in a blouse.
- **Sexual abuse:** this includes verbal abuse, sexual propositions, hugging, kissing, direct touching.
- **Sexual intercourse:** often under the 'ultimate threat' when the victim is told that her career prospect will be jeopardised if she does not consent to sexual relations (Lamplugh, 1988).

Sexual harassment encompasses conduct of a sexual nature. Conduct of a sexual nature means "unwelcome physical, verbal or non-verbal conduct". Examples of each of these categories are:

- **Verbal conduct** of a sexual nature may include unwelcome sexual advances, propositions or pressure for sexual activity; continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome; offensive flirtations; suggestive remarks, innuendoes or taunting or derogatory or vulgar comments about someone's gender, physical anatomy, or characteristics; jokes that cause awkwardness or embarrassment; sexually suggestive or vulgar language (Conditions of work digest, 1992); unwanted compliments with sexual overtones (Conrad & Maddux, 1988).
- **Non-verbal conduct** of a sexual nature refers to the display of pornographic or sexually-suggestive pictures, objects or written materials; leering, whistling, or making sexually-suggestive gestures. These behaviours may make women feel uncomfortable or threatened and undermine the position of a woman who seeks to deal with her fellow employees with professional dignity.
- **Physical conduct** of a sexual nature is commonly regarded as meaning unwanted physical contact ranging from unnecessary patting, grabbing, pinching, hugging, kissing, brushing against another employee's body, touching in a sexually suggestive way, or in a way calculated to invade personal space to assault and coercing sexual intercourse. Much of this conduct if it took place in the street between strangers would amount to a criminal offence.

The question of rape and violent sexual assault needs to be briefly addressed in terms of whether this kind of activity can be fairly categorised as sexual harassment. Although there is some disagreement on this issue, the better view is that rape and violent sexual assault constitute qualitatively another type of offence, far more dramatic in terms of the violence or threat of violence associated with such acts, and also in terms of the consequences to the victim (Conditions of work digest, 1992).

Sexual harassment can poison a woman's work environment to the extent that her livelihood is in danger. There is the implicit message from the harasser that non-compliance will lead to reprisals. These reprisals can include threatened demotions, transfers, poor work assignments, unsatisfactory job evaluations, sabotaging of the woman's work, sarcasm, denial of raises, benefits, and

promotions, and in the final analysis, dismissal and a poor job reference (Backhouse et al., 1981).

Sexual harassment of women in employment is particularly clear when male superiors on the job coercively initiate unwanted sexual advances to women employees; sexual pressures by male co-workers and customers, when condoned or encouraged by employers, might also be included. Lack of reciprocal feeling on the woman's part may be expressed by rejection or show of disinclination. After this, the advances may be repeated or intensified; often employment retaliation ensues. The material coercion behind the advances may remain implicit in the employer's position to apply it. Or it may be explicitly communicated through, for example, firing for sexual non-compliance or retention conditioned upon continued sexual compliance.

Sexual harassment may occur as a single encounter or as a series of incidents at work. It may place a sexual condition upon employment opportunities at a clearly defined threshold, such as hiring, retention, or advancement; or it may occur as a pervasive or continuing condition of the work environment.

Complex forms include the persistent innuendo and the continuing threat which is never consummated either sexually or economically. The most straightforward example is "put out or get out" (Renick, 1980).

Obviously, one single behaviour must be evaluated in the context of an individual complaint, as suggested in the EEOC reference to the "totality of circumstances" (Dziech et al., 1990). Conduct alleged to be sexual harassment must be judged by a variety of factors, including the nature of the conduct; the background, experience, and actions of the employee; the background, experience, and actions of co-workers and supervisors; the physical environment of the work-place; the lexicon of obscenity used; and an objective analysis of how a reasonable person would react and respond in a similar work environment (Carbonell, Higginbotham & Sample, 1990). The turning point when a joke, remark, kiss, pat or even a look becomes a "sexual advance" rather than "an everyday action", depends very much on the

individual's views, the initiator's intentions and the overall circumstances (Pattinson, 1991).

The following are a few **examples** of the kind of sexual harassment that takes place at work.

- **Sexual remarks, jokes, catcalls, whistling and teasing** are commonplace at work. It is often difficult for people who are not at the receiving end to understand the extent to which such behaviour is distressing and demeaning; after all, it is only meant to be fun. But personal remarks about parts of the body, particularly legs, breasts and hair, along with whistles and catcalls, all serve to remind women that they are judged by their looks rather than their work. When a group of male workers together operate such forms of behaviour, the work environment may appear hostile and threatening. Verbal harassment reinforces the superior position which most men hold in the work-place (Hadjifatiou, 1983).

Joking behaviour may constitute sexual harassment if it creates, as a condition of employment, a work environment that undermines the employee's sexual dignity (Aggarwal, 1987).

Because these forms of harassment are such a 'natural' and pervasive part of working life for women and men, they are both the most difficult and perhaps the most important to tackle.

- **Sexually explicit material**, in the form of magazines, promotion calendars, or pin-up photographs can be found in thousands of work-places. Usually they are not displayed with any conscious intention of distressing women; they are just a part of the widespread use of women's bodies in advertising and the cinema. Nevertheless, they carry subtle messages which few women fail to recognise. By depicting women as sexual playthings, creatures engaged in pleasing men, the important skills and responsibilities which women carry out in the work-place are ignored and undervalued. And by offering only one view of the 'perfect woman', pin-ups and girlie calendars undermine women's self-confidence in their own bodies and appearance.

- **Suggestive looks and gestures, staring and leering** are actions designed to make a woman aware she is the object of sexual interest (Hadjifatiou, 1983). This has been described as "undressing you with their eyes". Women are not referring to admiring looks, but to what is called an "aggressive" stare, which concentrates on their breasts or hips (Read, 1982). Persistent and unwanted behaviour of this kind is disturbing and threatening because at work there is little or no immediate escape. By forcing this kind of attention on a woman, the harasser is demanding to be noticed. Women in this situation cannot win - ignoring the behaviour carries a risk of the harasser increasing his attentions; acknowledging his interest may be taken as tacit acceptance of it. Complaining is difficult if the harasser has power over the woman's job.
- **Persistent demands for dates and sexual favours** from a supervisor or co-worker are other ways in which a woman is made aware she is regarded as a sexual being rather than a worker. Direct questions and comments of this sort cannot be easily ignored. It may be particularly difficult to convince the harasser that his attentions are unwanted because women are supposed to be flattered by them. Rejection or avoidance of the harasser may simply be used to fuel the myth that women "like to play hard to get". And because a particular woman is picked out for special treatment, she can become isolated within the work-place. Her only option may be to leave.
- **Touching, pinching, caressing and hugging** all involve physical contact with a woman which under circumstances could be classed as assault. A criminal prosecution could result from such an incident happening between strangers in the street. At work, people know each other and want to work in a pleasant environment. A familiar excuse for touching and hugging is that it demonstrates friendship; but unwanted and repeated touching of breasts, buttocks, hair, cannot be mistaken for genuine concern for a woman's well-being. Manhandling a woman reflects the view, whether consciously or not, that women's bodies are available to men.
Even less obvious sexual approaches, like a hand on the arm or shoulder, imply proprietorial rights over a woman. Such actions, accompanied, for example, by

demands from a supervisor to undertake a particular task, are a reminder that the supervisor has power over the woman's job. As a result, such behaviour can be as threatening as more overt forms of harassment.

- **Violent sexual assault, rape and attempted rape** do happen at work. Occasionally they are reported to the police but proving a case can be difficult. While such cases account for a very small proportion of sexual harassment at work, they are significant because they are a reminder of the physical power which men can exercise over women. The ever-present possibility of violent sexual abuse is a powerful influence over how women react to other forms of harassment. On the one hand there is the fear that resisting sexual advances may provoke violent assault and rape so it is safer to comply; at the same time there is a feeling of thankfulness that this particular approach was not as bad as it might have been - a feeling which stops women from making a complaint (Hadjifatiou, 1983).

Women working at the bottom of the economic scale are subject to the grosser expressions of sexual harassment. They often encounter crude suggestive comments and crass physical assaults. Professional and managerial women are not immune to sexual harassment. Their treatment is more subtle, and instead of the outright physical abuse they are subject to psychological intimidation. They receive offers for after-work drinks, expensive lunches and dinners, and business trips, with the implicit message that sexual favours are expected. They are seen to have more economic independence, so men assume it must take more to impress them. It is part of the theory that every woman has her price (Backhouse et al., 1981).

All sexual harassment behaviours are linked by the way they represent an **unwanted and unsought intrusion by men** into women's feelings, thoughts, behaviours, space, time, energies and bodies (Wise & Stanley, 1987). Sexual harassment is not about civility. It is not about a man making an unwelcome pass, telling a dirty joke or commenting on someone's appearance. Rather it is an abuse of power in which a worker who depends for her livelihood and professional survival on the goodwill of a superior is made to feel vulnerable (Gibbs, 1991).

A deterrent to constructively dealing with this issue exists, because sexual harassment often is not visible to persons outside the immediate situation. It often occurs when others are not present. Harassment may occur away from the immediate work setting. Business trips, work-oriented social events as well as on the job, can be scenes for sexual harassment. It can occur in environments completely separate from any organisational affiliated activity (Meyer et al., 1981).

Sexual harassment is a form of discrimination based on sex. It occurs when a person is disadvantaged in the work-place as a result of differential treatment in the work-place. It is an unwarranted intrusion upon the sexual dignity of a person. It consists of acts that are unwarranted, unsolicited, and unwelcome. It can be overt or subtle. Even if the nature of the harassment is not physical, it can still be considered to be sexual harassment if it creates a poisoned environment, even if there is no economic consequence such as loss of one's job, loss of seniority, or economic consequence of a similar nature.

The pertinent **distinctive characteristics** of the sexual encounters which must be considered to be prohibited are:

- That they be **unsolicited** by the complainant, and **unwelcome** to the complainant and expressly or implicitly known to be unwelcome by the respondent.

A difficult but important question arises - how to determine whether or not sexual encounters were unsolicited and unwelcome. Each case has to be determined on its merits. The test of whether the advances are unsolicited or unwelcome should be objective in the sense that it depends upon the reasonable and usual limits of social interaction in the circumstances of the case.

To establish that sexual conduct was unsolicited and unwelcome, the complainant is generally expected to establish that she had expressly or implicitly made it known to the harasser that his sexual advances are unwelcome. The complainant is not required to prove that she had "verbally protested" or expressly said "no" to the perpetrator or conveyed to him in another way that his behaviour was unwelcome. It is sufficient for the complainant to establish that she by her conduct or body movement, or body language conveyed to the perpetrator her disapproval of his advances. Thus, it is sufficient for the

complainant to establish that she, in a non-verbal way, let the harasser know by moving quickly or just trying to avoid him that she did not like what he was doing. In addition to non-verbal communication of disapproval of the harasser's conduct or advances by the victim, the element of **constructive knowledge** was also introduced, on the ground that a "reasonable person" should have known that the behaviour was unwelcome (Aggarwal, 1987).

Welcomeness is frequently an issue when women have participated in a certain level of joking, teasing, or verbal repartee but feel uncomfortable or offended when the level of such sexually oriented discussion escalates. It is also a key factor in situations involving the end of consensual sexual relationships. In both of these common circumstances, it is even more important to provide notice to others that behaviour that may once have been fine is now unwelcome and offensive. Otherwise, co-workers and former lovers may be entitled to rely on past behaviour to assume conduct is still as welcome as it ever was (Wagner, 1992).

- That the conduct complained of must be **persistent**, or in the alternative, though the conduct was not persistent, the rejection of the conduct had adverse employment consequences.

It is a commonly held view that sexual encounters must occur frequently before they are considered to be sexual harassment. This, however, should depend upon the type of harassment involved. More serious forms of sexual harassment, such as those involving physical assault need not occur more than once in order to be considered as sexual harassment. Other types of subtle behaviour involving comments or propositions may occur repeatedly before the behaviour may be identified as being sexual harassment.

- That, if the complainant co-operates with the alleged harassment, sexual harassment can still be found if such compliance is shown to have been secured by **employment-related threats** or, perhaps, promises.
- Another distinct characteristic of most sexual harassment behaviour is **coercion**. In situations where an unsolicited sexual advance is made by a person with the authority to hire and fire, the element of coercion is inherent. The terms "coerced

and forced" imply that the act or conduct was pressed against the will of the other. It was carried on in spite of the resistance, expressed or implied, of the employee. It was inflicted or imposed by force, or the employee was compelled to co-operate or perform an act against her will by a threat or promise. The element of coercion goes hand in hand with the requirement of "unwelcome". If a conduct or a course of action or behaviour is not welcomed by the employee but still pursued by the supervisor it amounts to coercion. Therefore, an unwelcome and unwanted social or sexual conduct is invariably an act or behaviour forced upon an employee against the employee's free will (Aggarwal, 1987).

- The behaviour must be of a **sexual nature**. However, the requirement that conduct be of a sexual nature can also be fulfilled through non-sexual verbal and physical behaviour caused by the gender of the individual being harassed. In other words, "but for" the sex of the individual, the harassing behaviour would not have occurred (Wagner, 1992).
- The behaviour can be **physical, verbal or non-verbal**.
- The behaviour affects the dignity of the harassed person at work, or creates a negative or hostile environment for that person (Campanella & Brassey, 1994).

Importantly, in the first sexual harassment case in South Africa, the case *J v M Ltd, De Kock* (presiding member of the court) recognised both the wide spectrum of activities that constituted sexual harassment, and the fact that these actions could be of a physical or verbal nature. Moreover, unlike many definitions, he argues that these acts do not have to be repeated to be harassment:

Conduct which can constitute sexual harassment ranges from innuendo, inappropriate gestures, suggestions or hints or fondling without consent or by force to its worst form, namely rape. It is in my opinion also not necessary that the conduct must be repeated. A single act can constitute sexual harassment (Bazilli, 1991).

The dynamics of men and women working together is not yet truly understood. Until there is more systematic analysis, the most that can be said is that the presence of

both men and women lends a certain excitement and energy to work. Sexual give-and-take - the friendly verbal interaction between colleagues, the acknowledged attraction between co-workers, the accepted physical gesturing of male and female - is a healthy behaviour in which individuals of various ages and status choose to engage.

"Choice" is the critical concept. Give-and-take implies mutual choice by people of equal status. The boundaries of the relationship are understood and accepted by both parties. There is no confusion, no doubt, no feeling of coercion or fear. The effects of jokes, comments, and gestures are that both feel good. The humour and affection in sexual give-and-take may be a way to reduce sexual tensions. It may relieve the monotony of routine work. It may even be preliminary courtship, a kind of testing before proceeding with a more serious relationship.

Whatever the intent, sexual give-and-take is based on mutual consent of equals. This is obviously not the case in sexual harassment. The legal, public, and institutional concern about sexual harassment is a concern about **unhealthy** sexual dynamics, about behaviours that are exploitive, abusive, and psychologically damaging. In fact, if people became more aware of the sexual harassment problem, a healthier sexual environment for both men and women should result (Dziech et al., 1990).

6. CONFUSION (SUBJECTIVITY) REGARDING SEXUAL HARASSMENT

There is a wide divergence of perceptions in our society as to what words or actions constitute sexual harassment. Because of the complexity of human behaviour, it is difficult to pinpoint what exact behaviour will be perceived as harassment by any particular individual. It is often difficult to draw the line between what is "acceptable" and what is "unacceptable" behaviour in the work-place. To one person, an arm around the shoulder may be perceived as a gesture of affection; to another person the same gesture may be offensive and harassing (Aggarwal, 1987).

Because sexual harassment refers to behaviour which is unwanted by the recipient, it follows that it is for each person to determine what behaviour they welcome or tolerate, and from whom. If a woman enjoys an occasional hug from a male colleague with whom she is friendly, by definition, that is not sexual harassment. Yet that does not confer a license on other men nor mean that she has to accept an unwelcome hug from someone else. Similarly, behaviour that seems amusing or harmless to some may be offensive to others. That one woman tolerates or even enjoys sexual teasing or risqué jokes does not somehow debar every other woman from regarding such conduct as unacceptable behaviour. On the one hand, there is conduct which can be regarded as offensive by its very nature, such as physical molestation. On the other hand, a person's reaction to behaviour cannot be entirely unreasonable. But within these broad objective parameters, sexual harassment is essentially a subjective concept: It is for each individual to decide what does and what does not offend them. Any other standard would amount to an intolerable infringement of individual autonomy (Conditions of work digest, 1992).

In general, women and men seem to have differing perceptions about what is appropriate behaviour at work, they may have different intentions and motives when they make sexual advances, and they are differentially affected by sex at work. Women are more likely to be sexually harassed and to feel sexually harassed. Women are the ones who suffer job-related consequences of harassment (Gutek, 1985).

Much depends on the exact situation, whether the incident is isolated or repeated, relative power relations between the harassed and the harasser, how the person treats the harassed otherwise, general attitude, upbringing and previous experience, both parties' age and marital status (Prekel, 1992).

Women appear to be quicker to expand the definition of sexual harassment from the most obvious, job threatening harassment, to harassment in its other, frequently more subtle forms. They have given the subject much more thought than most men.

Men, on the other hand, have not thought a great deal about sexual harassment because society - males and females - has supported their system of interacting with women. While men are very quick to condemn extreme forms of harassment, if they hear about them, at the same time they usually do not spend too much time analysing their own management styles to look for the more subtle forms of harassment.

Sexual harassment, in its less extreme form, is a judgement by the harassee. What makes one person angry and insulted may amuse or mildly irritate someone else. Part of the difference is in the values brought to the judgement of this behaviour (Meyer et al., 1981).

The biggest gender gap does not have to do with people's experiences or with their definition of harassment; it has to do with their attitudes and reactions to overtures from the opposite sex. In a Los Angeles County survey men said they would be flattered by a proposition made by a woman at work. Whereas most women said that sexual advances are insulting to them. The reason for this, may be that for women, sexual overtures more frequently lead to unpleasant negative job consequences, whereas there are few discernible job consequences for men (Gutek, 1985).

This gender difference in attitudes implies that types of sexual behaviours that may be evaluated negatively by a woman may be evaluated positively by a man. Another implication of the gender difference in perceptions of sexual overtures at work is that men may be more likely than women to initiate sexual behaviours at

work that lead to complaints of harassment, since they are less likely to view such behaviours as unacceptable.

The differences can be partly explained by different personal orientations toward sexual overtures at work, partly by different experiences with sexual overtures, and partly by the gender composition of the work environment, which facilitates gender stereotyping. Men in gender-integrated jobs are more likely than other men to label insulting sexual comments at work as sexual harassment. Men in male-dominated jobs find that strongly masculine behaviours are expected of them, perhaps including aggressive sexual overtures. Thus, they may think of such behaviour as being normal rather than as harassment. Men in female-dominated jobs find themselves stressing their own masculinity through aggressive sexual behaviour to counter the questioning of their manhood that they often experience. Thus, they too may think of such behaviour as normal and not as sexual harassment. Women in female-dominated job classifications who have a great deal of contact with men at work are less likely than other women to label sexual behaviours at work as sexual harassment (Konrad & Gutek, 1986).

The general rule is that conduct becomes unacceptable when the perpetrator knows, or ought reasonably to know, that it is unwelcome in the circumstances. It therefore follows that every woman should be fully aware of her own level of tolerance and have the confidence and support from her colleagues and employers to draw the line without causing offence or fearing recrimination (Pattinson, 1991).

Whether or not the alleged sexual conduct or behaviour constitutes sexual harassment must be determined by an objective test, using the standard of a "reasonable person", rather than the perception of a harassee or a harasser. Moreover, the conduct in question should be examined and tested against the norm of "socially acceptable behaviour" and the "reasonable and usual limits of social interaction" in the community (Aggarwal, 1987).

7. MYTHS CONCERNING SEXUAL HARASSMENT

Throughout the history of women at work, sexual harassment has been grossly misunderstood. A number of the more predominant myths about sex on the job still find widespread acceptance despite the fact that they bear no relation to reality (Backhouse et al., 1981).

As we look at the following myths, we must examine them in the context of society's values and the socio-political fact that men have a monopoly on power in the work force as well as in the larger society, while women are dependent, individually and collectively, on men for their livelihood.

- **Sexual harassment is fun.**

Many men are unable to understand why women find sexual advances and innuendoes on the job upsetting. They often see behaviour that women characterise as harassment as "just good fun" or even "complimentary". The myth is that any "normal" woman welcomes and is flattered by sexual attention in any form. Women's real feelings about sexual harassment are, in fact, quite different. Specific effects women reported included: feeling powerless or trapped; becoming self-conscious about their appearance; feelings of defeat and diminished ambition; decreased job satisfaction and impairment of job performance; and physical symptoms such as nervous stomach, migraines, and loss of appetite. They find uninvited sexual attentions embarrassing, demeaning, and intimidating.

- **Sexual harassment is trivial.**

Sexual harassment is often seen as a trivial issue, and it is most often men who see it this way. Many men do not understand the pressure and conflict involved for women who must confront unwanted sexual advances on the job. The economic effect of sexual harassment on working women is anything but trivial. Some women leave jobs because they face persistent sexual harassment; others are fired because they refuse to be sexually co-operative. All of this contributes to the cycle of downward mobility, unemployment, and poverty among women.

Destruction of working women's ambition, confidence, job satisfaction, and performance is another outcome of supposedly trivial sexual harassment. If sexual harassment on the job is as trivial and funny as some men claim, one wonders why women who resist harassment are punished so severely. The answer, of course, is that it is not trivial (Chapman et al., 1978).

- **Women who object have no sense of humour.**

Sexual harassment, with the prospect of imminent reprisals affecting working conditions and future career plans, is neither humorous nor harmless. It is degrading and humiliating. It threatens women's economic livelihood and in many cases causes physical and psychological reactions that are severe enough to lead to hospitalisation (Backhouse et al., 1981).

- **Sexual harassment is a crude attempt to initiate sexual relations.**

Sexual harassment often has nothing to do with lust. It is commonly exhibition of power (Rubenstein, 1991).

- **Sexual harassment is nothing more than the normal and natural sexual interest existing between women and men.**

If they work together, innocent flirtation is inevitable.

- **Women like to be flattered** about their appearance and expect the men they work with to take notice of them.

- **Work needs to be brightened up by a few jokes and games.** Women who do not appreciate a laugh are spoilsports or suffer from sexual inhibitions.

- **Women who are harassed have clearly asked for it by the way they dress and behave.** Any woman who is not interested can easily say so (Hadjifatiou, 1983).

- **A firm no is enough to discourage any man.**

An astonishing number of people dismiss any discussion of sexual harassment with the peremptory answer that all any woman has to do is to refuse her harasser's advances firmly. They completely ignore another societal myth that

when a woman says no, she really means yes. They also ignore the fact that the situation is not between equals. A man who has greater economic, physical, and social power can override a woman's protests regardless of how firm and unequivocal they may be (Backhouse et al., 1981).

- **Sexual harassment is easy for women to handle.**

Men are unwilling to take responsibility for their harassment of women and, by accepting this myth, place responsibility for sexual harassment on their victims. Thus, it is up to women to control their harassers; men don't have to control themselves. Although social conditioning has taught women to accept this responsibility, many are beginning to question it. The idea that any mature woman should be capable of handling sexual harassment is one of the most destructive myths about this problem. In fact, a woman faced with sexual harassment on the job is in a double bind. There is often no way she can handle the situation without hurting herself (Chapman et al., 1978).

- If women are harassed, it is **only those with personal problems** who are unable to deal with the situation themselves (Hadjifatiou, 1983).

- **It is only a problem for attractive women.**

There are no typical recipients of sexual harassment, but the likelihood of being sexually harassed is most closely associated with the perceived vulnerability of the recipient, not her physical appearance. Divorced and separated women; women working in predominantly male jobs and new entrants to the workforce are among the most likely women to be harassed.

- **It is part of the natural order of things that women have to endure.**

Since a number of organisations, here and abroad, have taken effective steps to reduce sexual harassment, this is demonstrably false. Sexual harassment stopped being part of the "natural" order of things when women stopped putting up with it.

- **The men will never stand for taking down the pin-ups.**

Perhaps they will if you explain to them how disturbing they are to female colleagues - including perhaps their wives and daughters. In any event, what is appropriate and permissible in the work-place is your decision as a manager. Regardless of their personal preference, you do not let the men smoke in no-smoking areas or stop work when they feel like it (Rubenstein, 1991).

- **Nice women don't get harassed.**

- Sexual harassment is only a **blue-collar problem** that happens when women take non-traditional jobs (Neville, 1990).

- **Sexual harassment only affects women in low-status jobs.**

Women as well as men often believe that sexual harassment afflicts only women in powerless, low-paying, low-status jobs. Most working women fall into this vulnerable category. Although some women may be more vulnerable to sexual harassment than others, no woman is immune, and a prestigious position is no sure protection. But, job status may have some effect on the type of harassment a woman is likely to face (Chapman et al., 1978).

- **Middle- and Upper-class working women do not suffer from sexual harassment.**

Although middle- and upper-class women may hold positions of some status in their organisations, their harassers hold power and authority over them. Job-related reprisals can be used as effectively against these women as against lower-level employees. In fact, professional and managerial women move in smaller circles and therefore in some cases stand to lose even more from a sexual harassment incident than do other women. In professional circles or specialised fields, word quickly leaks out. These women are less able to bury evidence of their past work experience. All their harasser has to do is to mention casually that the woman was fired or quit because she was emotionally unstable or could not get along with co-workers and supervisors and she may be blackballed for good (Backhouse et al., 1981).

- Sexual harassment happens only to **promiscuous and willing women**.
- Sexual harassment **exists only in the minds of women who have overactive imaginations**.
- Sexual harassment is **only an attention-getter for "old maid" types**.
- **Only uptight and maladjusted women with sexual and social hang-ups claim to have been harassed**.
- **Troublemakers use claims of harassment to retaliate against a supervisor or co-worker** (Neville, 1990).
- **Women often make false accusations of sexual harassment.** As with all sexual crimes, society seems to fear that many women will accuse men of sexual harassment without justification. A woman who is courageous enough to bring forward a complaint of sexual harassment will face disbelief, ridicule, and accusations of enticement. She may lose her job because she complained openly. Women who make charges of sexual harassment have little to gain and a great deal to lose. Recognising these repercussions, women would be foolhardy to bring false complaints (Backhouse et al., 1981).
- People who are **incompetent and fear the loss of their jobs** hide under the "discrimination" umbrella and **claim that they are being harassed** in order to save a job they otherwise wouldn't be able to hold onto (Neville, 1990).

Underlying these myths is the assumption that sexual attentions to a woman - no matter the time, place, circumstances, or by whom - are flattering because they indicate that men find her attractive, and she is, therefore, more of "a woman", more "feminine", and more "desirable". A part of this is that men are trained to take the sexual initiative, and exercising it is a test of manhood.

Unfortunately, women have been socialised to assess their personal worth by their desirability to men and are trained to receive men's advances gracefully, regardless of their own personal feelings. Not only are these attitudes and socialisation detrimental to women's self-concept, but, on the job, where the appropriate role is

that of **worker**, this attitude is in direct conflict with the demands of the job. This conflict plays itself out whenever men in the office continue to treat women as sex objects rather than as workers, and women workers are left to cope with the repercussions (Chapman et al., 1978).

As a consequence of these myths, victims of sexual harassment may feel guilty about their reactions to behaviour that other people consider trivial, and ashamed to tell anyone in case they are blamed for encouraging the harasser. Fear of embarrassment and humiliation from co-workers or an employer can be as or more distressing than the incident itself, and prevents women from speaking out (Hadjifatiou, 1983).

8. EXTENT OF THE PROBLEM

Because there is no definite statistical answer to the question "How great is the problem?", it is convenient to deny and ignore the issue (Dziech & Weiner, 1990).

The phenomenon of sexual harassment is pervasive throughout the work-place in our society. It occurs among all job categories, ages, marital statuses, and pay ranges (Farley, 1978). All types of organisations are affected and it impacts millions of employees. The informed sources on the subject tell us that it is not a new problem. It has existed for as long as people have been organised into work groups. People who have studied this issue tell us that it is not limited to profit-making organisations. Sexual harassment exists in government..., in religious organisations..., in education (Meyer et al., 1981).

Research has indicated that while any individual is likely to be sexually harassed, women tend to experience this more often than others. Ethnic minority women are often victims because of the stereotypes and myths that portray them as sexually active, exotic, and erotic. In addition, physically challenged women experience a considerable amount of psychological victimisation when reporting sexual harassment due to stereotypes about their sexuality and attractiveness. Individuals who support women's studies programs and are feminists are also often targeted (Paludi et al., 1992).

Given the pervasiveness of the problem for working women, we can assume that sexual harassment takes place in organisations where women do not report it, because they do not perceive it in the same way. Most likely they think of it as a nuisance or perhaps as normal, everyday flirtation, but they evidently do not think of it as sexualising their jobs (Hearn, Sheppard, Tancred-Sheriff & Burrell, 1989).

In a number of surveys, 49 to 90 percent of women in various occupations surveyed, in separate studies, reported experiencing sexual harassment at work. Assuming that these types of surveys and studies are valid, it is obvious that we are witnessing an abuse which is systematic rather than individual/personal, and as such, the situation clearly calls for a comprehensive response.

The statistical indications of widespread sexual harassment in employment are even more extraordinary in light of the lack of public information and general social awareness of the problem, as well as the fact that persons who are the object of such overtures and harassment are more often than not sensitive, frequently embarrassed, and demeaned/intimidated by these acts.

More explicitly, acts of sexual harassment by employers/supervisors frequently are accompanied by a likelihood of retaliation, with the ensuing silence perpetuating the very employment situation which led to the harassment in the first place (Pepper et al., 1981).

Prior to 1976, few reliable statistics on the incidence of sexual harassment were available. However, recent studies confirm that sexual harassment is one of the most serious and widespread problems facing women in employment today (Aggarwal, 1987).

In perhaps the most comprehensive US survey to date, the **US Merit System's Protection Board (MSPB)** queried 23 000 federal employees in 1981 and found an incidence of sexual harassment experienced by respondents within the two years prior to the survey to be as high as 42 percent. Of that 42 percent MSPB survey, 12 percent experienced what was termed "less severe sexual harassment" which includes unwanted suggestive remarks or gestures, unwanted sexual teasing, jokes, remarks or unwanted pressure for dates; 29 percent experienced "severe sexual harassment" including incidents such as receiving unwanted letters, phone calls, or materials of a sexual nature, unwanted touching or pinching, or unwanted pressure for sexual favours; and 1 percent experienced actual or attempted rape or sexual assault (Stanko, 1985).

In 1988, a questionnaire designed to update that study was sent to 13 000 federal government employees. 42 percent of female respondents and 14 percent of male respondents reported some form of unwelcome sexual occurrence between 1985 and 1987 (Wagner, 1992).

A survey done specifically to try to reach people who work in management was conducted by the *Harvard Business Review* in 1981. A questionnaire was sent out

to 7 408 subscribers, 52 per cent of them men. Their jobs ranged from top through middle to lower management. Fifteen per cent of the men and 42 per cent of the women said that they had experienced some form of sexual harassment in the office and they thought that it could affect the self-confidence, morale and efficiency of many workers, especially women. They considered that a superior's behaviour was far more serious and threatening than the same actions taken by a colleague. Both men and women, at all levels, agreed theoretically on what constituted sexual harassment, but they disagreed about how prevalent it was. In particular, top management seemed isolated from occurrences of it (Read, 1982).

A 1988 survey of Fortune 500 companies quantified activity from the corporate point of view. The 160 human resources executives who represented some 3.3 million employees indicated that 25 percent of the responding firms had received six or more formal complaints of sexual harassment during the past year, and 21 percent had received four or five complaints. Thirteen percent reported that they had received no complaints. The majority of the complaints were against an individual higher up on the corporate ladder (Fritz, 1989).

Sexual harassment claims brought to the Equal Employment Opportunity Commission numbered 4 400 in 1986 and jumped to 5 600 in 1990. Informally, the Commission reports a 25 percent increase for 1991 over 1990's sexual harassment caseload.

A November 1991 survey by the American Management Association of its member companies found that 52 percent reported one or more allegations of sexual harassment within the last five years. In nearly 60 percent of the cases, some disciplinary action against the offender was taken. In 14 percent of those situations, that discipline took the form of termination. Interestingly, only half of the situations came to the attention of company management through formal channels; observation, informal reports, and anonymous notifications accounted for the rest (Wagner, 1992).

Nine thousand readers of Redbook (a popular American women's magazine) responded to a questionnaire asking American women "How to Handle Sex on the

Job" (published in the magazine) (1976). Eighty-eight percent said they had experienced some form of sexual harassment on the job (Hearn et al., 1989). Their replies indicated that they did not mind natural attractions between the sexes at work, and they did not complain about sexual interplay between consenting adults. But 92 per cent did object to what they described as "sex that is one-sided, unwelcome or comes with strings attached". It made them feel angry, and they found it a problem (Read, 1982).

The United Nations Ad Hoc Group on Equal Rights for Women surveyed all women employed at the U.N. Forty-nine percent said sexual pressure exists on the job (Chapman & Gates, 1978).

With reliable statistics lacking, it is difficult to estimate how widespread sexual harassment is in South Africa. In May 1992, five concerned groups - the **Institute of Personnel Management**, the **Institute of Directors in Southern Africa**, the **Unisa Centre for Women's Studies**, the **Women's Bureau of South Africa** and the **ANC Women's League** - conducted a joint survey among SA organisations. Some 37,3 percent of the respondents said they knew of sexual harassment in the work-place (Coleman, 1994) and 76 percent of the women respondents said they had been harassed either regularly or occasionally at work (Prekel, 1992), but of these incidents, as many as 80 percent are never reported to senior management (Fried, 1989).

With reported rates this high, it is possible to conclude that sexual harassment is endemic to the structure of women's work and that the notion of sexual harassment has become a working part of many women's vocabulary and consciousness (Schneider, 1982).

(Estimates of the percentages of working women who have encountered sexual harassment vary substantially due to different sampling strategies and different operational definitions of sexual harassment (Terpstra & Cook, 1985).)

9. MOTIVATIONS FOR SEXUAL HARASSMENT

There are many different reasons why someone sexually harasses other human beings. Usually it is done for the sake of having power and control over another person. Sometimes the reason a person practices sexual harassment is because they are reacting to what they feel is an invasion of territory such was, and still is, the case when women entered the work-place. This is particularly true for women who have sought non-traditional jobs that have previously been held by only men.

Other times, it is because a person is genuinely attracted to another person, and they cannot separate their professional behaviour from their sexual instincts. And when they hear "no" from another person they feel that the other person doesn't really mean "no" to their advances, so they should, in fact, just try harder in the pursuit, or worse, they do not respect the feelings of the other individual and are undaunted by the rejection (Neville, 1990).

Many of the explanations of the extent of sexual harassment have tended to be satisfied with results that pinpoint this issue within the individual rather than in the situation or social structure. This explanation may be seen as a rationale for maintaining the status quo and permits women who complain about harassment to remain isolated. This isolation in turn leaves women at a disadvantage (Paludi, 1990).

9.1 Explanatory Models of Sexual Harassment

Three explanatory models of sexual harassment have been proposed.

The Natural/Biological Model

The natural/biological model rests on a number of assumptions about sexual behaviour in the work-place, all of which result in a denial that such sexual behaviour should be considered illegitimate and discriminatory. One assumption of this model holds that the human sex drive is stronger in men, leading them by

biological propensity to aggress sexually against women, but without discriminatory intent. If this assumption is true, we would expect to see more harassers in the age groups with the highest biological sex drives, and would not expect harassing behaviour to vary by organisational position or status.

A second assumption of the natural model maintains that men and women are naturally attracted to each other, that both sexes participate in sexually-oriented behaviour in the work-place, and that they like it that way. If sexual harassment is simply normal mutual sexual attraction, we would expect it to follow well-established patterns for liking and romantic attraction. (Tangri, Burt & Johnson, 1982).

If this model was adequate in explaining sexual harassment, then certain conditions should be the norm, e.g., women recipients should be similar to their male harassers in age, race, and occupational status, they should be unmarried; the behaviours should resemble courtship behaviours, and should stop once the woman shows disinterest. In addition, women should report feeling flattered by the behaviour, not offended (Paludi, 1990).

The various assumptions of the natural model have the effect of both trivialising sexual harassment and aggrandising it until all remedies seem hopeless. All versions of the natural model deny that sexual behaviour at work has the intention or the effect of discriminating against women and reducing women's chances to compete successfully in the work-place. Most of all, there is no intent to harass.

A failure to find any systematic pattern of harassment, or any evidence of harmful effects on women, would support the natural model of sexual harassment. This model obviously can't account for the extreme stress reactions suffered by its victims (Paludi et al., 1991). The consistent negative reactions of female victims to incidents they consider harassing, plus the tendency of individuals with greater degrees of personal vulnerability and dependence on their job to experience more harassment constitute the strongest evidence available in these data against the natural model (Paludi, 1990).

The Organisational Model

The organisational model asserts that harassment results from opportunities presented by relations of power and authority, which derive from the hierarchical structure of organisations. Thus, harassment is an issue of organisational power (Paludi et al., 1991). Since work organisations are characterised by vertical stratification, people in higher positions can use their authority - that is, legitimate power - and their status to coerce lower-status people into accepting a role of sex object or engaging in sexual interactions (Gutek, 1985).

Although typically males harass females, in principle it is possible for females to sexually harass males. It is less likely only because women tend to be employed in occupations subordinate to men. This asymmetrical relation between superordinate and subordinate deprives subordinates of the material independence and security necessary to resist sexual harassment, and leaves them vulnerable to its economic, psychological, physical, and social consequences. Differential power is only one of several organisational characteristics which set the stage for sexual harassment.

Sexual harassment is more likely in work organisations that (a) are highly structured and stratified; (b) discourage redress on work-related concerns; (c) have options or requirements for weekend or overtime work; (d) have skewed sex ratios, and (e) have expectations for "sexy" behaviour within the work-place. In sum, the organisational model relates sexual harassment to aspects of the work-place infrastructure that provide opportunities for sexual aggression (Tangri et al., 1982).

This model explains why women may feel less comfortable, receive less professional support, and fewer intellectual challenges from male colleagues. Women are viewed by this model as being vulnerable to the economic, psychological, social, and physical consequences of sexual and gender harassment (Paludi, 1990). This model is most useful for understanding and opposing harassment in the work-place. But it should be combined with the socio-cultural model. Organisational power is so pervasively abused, victimising literally tens of millions of women in the work-place, because sexual inequality and victimisation are endemic to our patriarchal culture (Paludi et al., 1991).

The Socio-cultural Model

According to the socio-cultural model, sexual harassment is one manifestation of the larger patriarchal system in which men rule and social beliefs legitimise their rule. Harassment is viewed as a mechanism for maintaining male dominance over women, in work and in society more generally (Gutek, 1985). Male dominance is maintained by cultural patterns of male-female interaction as well as by economic and political superordinancy. Society rewards males for aggressive and domineering sexual behaviours and females for passivity and acquiescence. Because women, more than men, are taught to seek their self-worth in the evaluation of others, particularly of men, they are predisposed to try to interpret male attention as flattery, making them less likely to define unwanted attention as harassment. Their training to be sexually attractive, to be social facilitators and avoid conflict, to not trust their own judgement about what happens to them, and to feel responsible for their own victimisation, contributes to their vulnerability to sexual harassment. The function of sexual harassment is to manage ongoing male-female interactions according to accepted sex status norms, and to maintain male dominance occupationally and therefore economically, by intimidating, discouraging, or precipitating removal of women from work (Tangri et al., 1982).

According to this model, gender would be a better predictor of both recipient and initiator status than would organisational position (Paludi et al., 1991).

None of the three models can by itself offer an adequate explanation for sexual harassment. They are also unlikely to be able to explain the broader concept of sexuality. Gutek and Morasch (1982) proposed such a model, emphasising the effects of sex role expectations in an organisational context.

The Sex Role Spillover Model

Sexual harassment of women at work is often a product of sex-role spillover, which is defined as the carryover into the work-place of gender-based expectations for behaviour that are irrelevant or inappropriate to work (Gutek & Morasch, 1982). Sex role spillover occurs, for example, when women are expected to be more nurturant or loyal than men in the same position. Sex role spillover also occurs when women

are expected to serve as helpers, assistants, or associates without ever advancing to the head of the department. (When men are expected to behave in a stereotypical manner - to automatically assume the leader's role in a mixed group, pay for a business lunch with a female colleague, or confront a poorly performing colleague - sex role spillover also occurs).

The sex role spillover explanation is an outgrowth of role theory. More specifically, it depends on the concepts of work role and sex role. A work role is a set of expectations associated with the tasks to be accomplished on a job. If the work role is a set of shared expectations about behaviour in a job, the sex role is a set of shared expectations about the behaviour of women and men (Gutek, 1985).

The carryover of the sex role into the work role can occur for a number of related reasons. One is that gender identity seems to be a more cognitive category than work role. The prevalence of gender-based cognitive processing - thinking about people as men or women - stems in part from society's insistence that an individual's sex makes a difference in virtually every domain of human experience. Thus, a person is often categorised as a man or woman first, a nurse or pipefitter second. And a male pipefitter may be evaluated quite differently than a female pipefitter.

A second reason is that women may feel more comfortable with the stereotypically female roles in some circumstances, particularly if they feel that men at work will only accept them in a "female" role. Three traditionally female roles that women may choose, or be forced to adopt, because such roles seem to make everyone more comfortable, are: pet, mother, and sex object. Finally, men most frequently interact with women in other than work roles. Many men still interact with women primarily as spouses, lovers, parents, or children, and they may feel more comfortable falling back on these more familiar role relationships. However, as more women enter the labour force, and men become accustomed to interacting with women as workers, eventually there may be less sex role spillover (Gutek et al., 1982).

Sex role spillover facilitates the expression of sexuality at work to the extent that the sex object aspect of the female sex role and the sexual aggressor aspect of the

male sex role carry over in to the work setting. This appears to be the case in particular when men and women work together or at least come into contact with opposite-sex employees in the course of their work (Gutek, 1985). When the sex ratio at work is skewed - in either direction - sex role spillover occurs. Thus, women in male-dominated work experience one kind of sex-role spillover. They are "role deviates" who are treated differently from other (male) work-role occupants; they are aware of this differential treatment, and they think it is directed at them as individual women rather than as work-role occupants. On the other hand, women in female-dominated work also experience sex role spillover but of a different kind. Sex role and work role are practically identical. These women are treated similarly to other (female) work role occupants, so are unaware that their treatment is based on sex-role. Because of this, they think the treatment they receive is a function of their job; the job itself is sexualised (Gutek et al., 1982).

The sex role spillover perspective combines some of the aspects of the organisational and socio-cultural models as proposed by Tangri, Burt, and Johnson (1982).

9.2 The Power Differential Perspective

Sexual harassment is not an expression of sexual desire. It is a demonstration of power politics, an assertion of power that happens to be expressed in a physical manner. It is the ultimate reminder to women that their fundamental status in society is that of sex object and that they hold their positions in the workforce only on male sufferance. (Backhouse et al., 1981).

Men derive power over women from traditional attitudes, occupational status, the male peer group and, if necessary physical strength. In the work-place, male power structures are maintained by expressive behaviour. Power displays include: more personal space, more control of time, more territory, more respectful forms of address, more jokes at other's expense, less self-disclosure, more interruptions, more speech, more control of conversation topics, more relaxation, greater use of touch and gesture, less tilting head and smiling, more staring, and less eye aversion (Hemming, 1985).

Types of power which can affect sexual harassment include **achieved power** (that which someone earns), ^{posisie in org.} **ascribed power** (attributed characteristics, over which a person has no control or which one cannot change) (Cabrera & Kleiner, 1992) and **situational power** (that which depends on the situation in which one is).

Each of these types of power also has several sources: **achieved power**, for example, can come from money, role or position, and information. The difficulty with achieved power comes when someone uses his success in an abusive way to sexually harass someone else. Complicating this issue is the fact that the power role may be so new that the harasser may not see himself as having any power. Further, the harasser's power may only be relative to the victim and not to the entire organisation so it may be easy to deny that he has power at all.

Two sources of **ascribed power** relevant to the work-place include **gender and ethnicity**. Virtually all research indicates that this culture attributes more power to men simply because of their gender. **Gender power** makes women with achieved power particularly vulnerable to sexual harassment. Even if a woman has formal role, information or money power within the organisation, she does not have access to the societal value placed on the male gender. It is gender power that allows male subordinates to harass the female supervisor with impunity; and while she has the formal role power within the organisation, this rarely outweighs his gender power which makes it hard for her to report harassment. The usual reaction to these women when they report harassment is to disregard her complaint saying that she had the formal power to stop it if she had really wanted to, or to believe that she was harassed and that she was unable to stop it, in which case the validity of her formal role power will be questioned (Stringer, Remick, Salisbury & Ginorio, 1992).

Ethnic power also affect sexual harassment, but in this sense it is society's view not of gender but of ethnicity which causes problems. Because whites are more powerful and valuable in this culture than people of colour, the complaints or concerns of ethnic minority victims are often not taken so seriously, investigated so appropriately, or evoke reprimands so strongly as complaints of white victims. The inverse is also true. If a white victim complains about being sexually harassed by someone ethnic, then probably the harasser will be disciplined much more severely

than if it had been a white harasser or an ethnic victim (Cabrera et al., 1992). Finally, many victims do not report an ethnic harasser out of fear that either the victim will be challenged with accusations of racism or often out of fear that the harasser will be unduly disciplined (Stringer et al., 1992).

There are two sources of power which impact sexual harassment which are of particular interest because they **combine ascribed and achieved powers**. These sources of power are **sexuality and physical size and strength**. These emphasise the biological differences between men and women and, similar to those sources already discussed, can be mitigated by understanding. If a man has achieved forms of power in the work-place and abuses this power to successfully sexually harass women, his perceived power increases. People become more likely to give him what he wants because "he must have a lot of power if he can continually get away with sexual harassment". It is rare that women use achieved power in the work-place to sexually harass subordinates - women in power rarely see sexuality as appropriate to the work-place. Most women who have achieved power are not willing to risk losing it in order to gain sexual access to someone in the work-place.

Physical size and strength are underrated as sources of power but are strong factors in many sexual harassment situations. These forms also combine ascribed (size) and achieved (strength) powers and must be understood in the context of male/female differences. Because most men are larger and stronger than most women, some men may consciously or unconsciously use their size to intimidate or control women whom they are harassing. The size and strength difference also affects how much resistance a woman may feel she can offer without incurring physical injury. Women in non-traditional jobs who have worked hard to achieve the physical strength required to succeed are often fearful of reporting harassment because this may be interpreted as an admission that they cannot do their job: if she is not strong enough to stop harassment, she certainly cannot be strong enough to stay on the job.

And finally **situational power** is that which may occur in one situation but not in another. Numbers and territoriality are primary sources of situational power in the work-place. This subtle form of power can be used against a person who is the only

one, or one of few of their "kind" within a work setting: the only woman, the only person of colour, the only lesbian or gay man. Abuse of this form of power is usually motivated by wanting to retain the homogeneous work setting. In sexual harassment this takes the form of focusing on the person's gender or sexual orientation to define him/her as different, not competent, or not to be taken seriously. This form of power is most frequently found in non-traditional work settings. Unfortunately, this type of harassment frequently is not reported because the victim does not want to do anything to further separate herself from work colleagues (Stringer et al., 1992).

Sexual harassment is a manifestation of the differences in power between the sexes and is a form of discrimination through which inequality at the institutional level is maintained. Harassment may be seen as a form of social control by which women are kept in their rightful subordinate roles. This limiting of women's status in the work-place is seen as a natural response on the part of men to women's attempts to gain more power by leaving their appropriate places in the home, in order to achieve equality. By sexualising interaction with women in the work-place, men call attention to women's sexuality and passivity, thereby detracting from women's work. Ultimately, women's ambitions are curtailed (Barickman et al., 1991).

9.3 Other Reasons for Harassment

- **Power used to decrease the power of the victim**

In this instance, the harasser rarely expects or demands a sexual relationship. Rather, the intent is to embarrass or intimidate the victim in such a way that her credibility, competence, or power is decreased. Examples of this form of sexual harassment include constant sexual jokes or stories or comments about a person's body. This form of harassment is most common for non-traditional employees such as women in skilled crafts and trades.

- **Personal crisis in the life of the harasser**

This is generally someone experiencing a life crisis such as ageing, divorce, or monetary problems. These problems may create self doubt about one's value as a "real" man as defined by society. These persons may attempt to regain their

self identity by asserting their sexuality - sometimes through sexual harassment. The emphasis in this harassment is two-fold: to obtain sexual access and to regain the harasser's sense of personal power through confirming his/her gender identity (Stringer et al., 1992). This problem is time-limited, because it usually lasts only as long as the personal crisis. Once confronted, the harassment usually ceases (Cabrera et al., 1992).

- **Sexual attraction gone wrong**

Mutual attraction between two employees or co-workers is not sexual harassment. If the attraction is only one way and non-reciprocal, however, it is or can become sexual harassment. Very often this form of harassment begins with a mutual attraction and/or relationship followed loss of interest by one person. The still-interested person then continues to pursue a relationship in such a way that it ultimately becomes harassing and affects the victim's ability to work and/or her work environment.

- **Genuine deviance**

Alcohol or substance abuse, character disorders, and other socially deviant behaviour patterns can lead a person to become a chronic sexual harasser in the work-place. Deviant harassers typically harass more than one person, often successively as victims leave the work-place and are replaced by the next victim. These harassers tend to harass employees in more serious ways.

- **Genuine attempt to create new rules for new roles**

This form of harassment can occur when a male is genuinely trying to welcome a female into a work setting but does not know how. Consequently, he may attempt to show acceptance through sexual jokes, touching, comments, or other sexual behaviour. The dilemma is that men and women are working in new relationships and a set of rules which help us understand how to behave have not been established. If the man's behaviour is inappropriate and the woman points this out and asks for some behaviour changes and he complies, there will probably be no further problem. If, on the other hand, she asks for changes and he refuses, legally-defined sexual harassment exist (Stringer et al., 1992).

It is obvious that there are quite a few explanations and reasons for sexual harassment. Unfortunately sexual harassment is pervasive and affects both the victim, as well as the organisation.

10. VICTIMS OF SEXUAL HARASSMENT

One of the myths about sexual harassment is that it is mainly a problem for women who conform to traditional stereotypes of physical beauty. There are no typical recipients of sexual harassment, but the likelihood of being sexually harassed is most closely associated with the perceived vulnerability and financial dependency of the recipient, not just her physical appearance. Merely to be someone's subordinate in the employment hierarchy signifies vulnerability and dependency. More specifically, divorced, separated and widowed women, single parents and lesbians, women from ethnic minorities, women working in predominantly male jobs, new entrants to the workforce, and women with irregular employment contracts are among the most likely women to be harassed (Conditions of work digest, 1992).

Sexual harassment is endemic to the work-place and do not happen only to a select group of women (Gutek, 1985). Harassment is experienced by women of all ages, races, ethnic backgrounds, socio-economic class, occupation, physical appearance, sexual orientations, and relationship statuses. It is likely to happen to almost any female worker (Paludi, 1990). The reality is that women of all ages and levels, sexily or soberly dressed, attractive or plain, may suddenly and totally unexpectedly be faced by an unwelcome office opportunist (Coleman, 1994).

Although it can happen to anybody, victims tend to be **younger** than the general female working population. The most likely candidates are women between the ages of 20 and 35 years (Terpstra & Cook, 1985). Although women over thirty-five are not immune to sexual harassment, younger women who are perhaps less experienced with work and harassment, and perhaps more desirable targets for men, are more often victims.

Marital status is strongly related to sexual harassment. Working women who are married or widowed are less likely to be harassed than working women who are divorced, separated, or never married. Perhaps women who are married or widowed are viewed as being under a man's protection that other men honour (Stanko, 1985). Other women are then "fair game" and would-be seducers feel they

"are doing her a favour" because "she needs it" (Field, 1989). Whether a woman has children or not is not specifically related to harassment.

Women who are well **educated** are generally as likely to be sexually harassed as women who are less well educated (Gutek, 1985). More highly educated women report more harassment, perhaps because their presence in non-traditional jobs is more threatening to their male peers and/or because of their perception of more forms of men's behaviour to be harassing (Stanko, 1985). Perhaps women without advanced education generally tolerate undesirable working conditions and put up with sexual harassment as part of the job.

Women with **advanced degrees** are likely to be occupationally vulnerable if not particularly financially vulnerable. Their careers may be more dependent on a particular job at a particular time than a less-educated person who may leave one unskilled job for another comparable job with relative ease. The woman with advanced degrees may be a particularly vulnerable target because her specific job is valuable to her. In addition, she probably has higher expectations for being treated in a professional manner so she may be more inclined to label sexual overtures harassment than the person who expects sexual overtures as a part of the job.

Women of all **occupations** are about equally likely to be sexually harassed. Well-educated women may be particularly vulnerable since they are viewed as especially ambitious (Gutek, 1985). If she succumbs, the harasser will feel more powerful, or say, "after all, she is still just a woman" (Prekel, 1992). Women who are most economically vulnerable with few skills and little chance of getting another job, are also most likely to be subjected to this behaviour, especially low level clerical jobs, factory operatives, waitresses - and also air hostesses (Kitzinger,). Typical victims have an immediate supervisor of the opposite sex, and have a work group comprised mainly of the opposite sex (Cates, 1985). Women pioneers are more likely to be victims than non-pioneers and dependence on the job dramatically increases the incidence of harassment (Tangri et al., 1982).

Women at all **income levels** may be sexually harassed. Sexual harassment is not something that happens just to poor women. Family income is a generally reasonable measure of financial vulnerability. Women may be financially or occupationally vulnerable, and sexual harassment occurs to both groups (Gutek, 1985).

Sexual harassment is not simply an annoyance or flirtation. It can mean the difference between being given a raise or being fired. For women who are supporting themselves and/or children, being fired or dismissed from work for sexual non-compliance is disastrous. Thus, the potential for harassing women is enormous (Paludi, 1990).

10.1 Women of Colour

The history of sexual harassment toward black working women begins with slavery, when the pattern for exploitative sex with black women first evolved. When slavery ended this pattern was perpetuated through sexual harassment of black women on the job (Farley, 1978).

Race is an important variable in sexual harassment in several different senses. Women of colour experience sexual harassment to a greater extent, and to a grosser degree, than white women. In the case of women of colour, the experiences of racism and sexism go hand in glove: they cannot, and must not, be prised apart.

Sexism in general, and sexual harassment in particular, "works" by treating women as powerless objects to men's powerful subjects and this can explain the greater harassment for women of colour, for they can be treated by men as inferior on two counts - sex and colour (Wise & Stanley, 1987).

There are at least two types of factors which may serve to make women of colour more vulnerable to harassment. These two factors are **economic factors and images and stereotypes** which are held about women of colour. Women who fall prey to harassment are often financially vulnerable. Women of colour frequently hold positions which result in their economic vulnerability (Paludi, 1990). The minority woman is more likely to be underpaid and socially isolated than her non-

minority peers, and unsupported when concerns are raised - making her a vulnerable target for the harasser (Quina & Carlson, 1989). The images and perceptions of women of colour also increase their vulnerability to harassment. These images either portray the women as weak and thus unlikely to fight back if harassed, or they are perceived as very sexual and thus desiring sexual attention (Paludi, 1990).

After harassment occurs, minority women are less likely to receive helpful intervention, often because of the personal prejudices of the interveners, and they are less likely to be able to afford private treatment. Many minority victims choose not to seek intervention because they do not expect any helpful outcome, or because a lack of minority personnel at various agencies makes them uncomfortable or mistrustful (Quina et al., 1989).

In those cases where their harassers are white men, black women generally observe that their harassers use sex as an excuse not only to control their individual bodies but also to exercise power over all of them as a class of persons: as women (sexism) or blacks (racism) or as disadvantaged blacks (classism) (Paludi, 1990). Black women's reports of sexual harassment by white male superiors reflect a sense of impunity that resounds of slavery and colonisation.

Apparently, sexual harassment can be both a sexist way to express racism and a racist way to express sexism. However, black women also report sexual harassment by black men and white women complain of sexual harassment by black male superiors and co-workers. Some white women confide that they have consciously resisted reporting severe sexual harassment by black men to authorities because they feel the response would be supportive for racist reasons.

Although racism is deeply involved in sexual harassment, the element common to these incidents is that the perpetrators are male, the victims female (MacKinnon, 1979).

10.2 Particularly Vulnerable Women

Women who are particularly vulnerable include:

- Women heads-of-household who need their jobs badly.
- Divorcees or widows who are often psychologically vulnerable because of loneliness and personal loss, and they can't "plead virginity".
- Women who are timid or insecure about their abilities, and lack self-confidence and career-related education; who believe they have little potential for advancement.
- Women who desperately want to be accepted and liked, and find it difficult to be assertive and say "No".
- Powerless women who work for powerful men, and are easy to replace by any other woman.
- Saleswomen may be pressured by clients to meet sexual demands in exchange for their business; to make matters worse, their employers may urge them to comply (Prekel, 1992).

11. CHARACTERISTICS OF HARASSERS

Because it is difficult to get people to talk about their own experiences as harassers at work, most reports about initiators are from recipients. Of course, recipients are likely to have limited information about the harasser, and some of that information may be biased by that person's experience (Gutek, 1985).

There is **no stereotype** when it comes to sexual harassment. Those who engage in it range from men and women suffering from serious mental illness to those who are merely unaware or culturally and socially ignorant of their inappropriate behaviour. And harassers can take any form. They can be extremely powerful and highly educated people or people without professional degrees, the person can be someone who is quiet or someone who is outgoing. It could be anyone (Neville, 1990). As long as it is an accepted notion that women are objects - easily manipulated and a sexual perk - the most ordinary of men are capable of sexual harassment (Backhouse et al., 1981).

Sexual harassment is not limited to a particular class of person. Ministers, physicians, psychologists, taxi drivers, construction workers, librarians and professors have been guilty of harassing other people in a sexual manner. Hence, the education and experience, socio-economic or otherwise identifiable category of an individual play no part when it comes to choosing to be a harasser. Rather, it appears that it is organisational tolerance which permits the harasser to function combined with the victim's decision not to report the misconduct to the authorities (Meyer et al., 1981).

Male harassers in general have been described as falling into two types: the first-time offender who is affected by factors other than power, such as a death in the family, divorce, or the approach of middle age; and the man who habitually harasses women. The second type tends to think of women as one of the perks of his job, part of his territory, like an office carpet. For the habitual harasser, territory goes hand in hand with ownership and men are conditioned by society to expect to own both objects and people (Read, 1982).

Harassers, while often managers and supervisors, are just as likely to be co-workers; some are subordinates, customers, clients, patients or students (Walby, 1988). Bosses and supervisors obviously have a great deal of power over a woman's job and can threaten her with serious employment consequences for failure to comply with sexual demands. Co-workers in most cases have little direct power over fellow employees, but have a unique opportunity to poison the working atmosphere and can make working life intolerable. Clients and customers can threaten to take their business elsewhere and cancel contracts with the woman's firm (Backhouse et al., 1981). Especially when a woman is working on commission, this can have a devastating effect and obviously adds to the man's power (Read, 1982). In some cases even employees supervised by a woman can cause her difficulty with their sexual advances (Backhouse et al., 1981). Most harassers are not behaving in "aberrant" ways, but in a manner typical of men's treatment of women in a heterosexual encounter (Walby, 1988).

The National Merit Systems Protection Board (1981) survey presents the following data:

These men tended to be **older** than their victims and at least two-thirds of the men were **married** at the time of the incident. This point is important, as it underscores the fact that harassment is not likely to be based on authentic personal/romantic interest in the woman, but rather has a more pragmatic purpose. Many of these women reported being harassed by someone who had also harassed others on the job. When the harassment involved attempted rape or sexual assault, supervisors were more likely to be the harasser of the women, than were peers (Paludi, 1990). Most victims were harassed by a person of the same ethnicity as themselves (Tangri et al., 1982).

In Gutek's study of working men and women in Los Angeles County, harassers were described as a little older, a little more likely to be married and supervisors, slightly less attractive, a little more likely to behave the same toward others, and somewhat less likely to have a long association with the recipient (Gutek, 1985).

The portrait of the harasser that emerges from these data is the somewhat unsavoury one of an older, married man, possibly a supervisor, who makes a habit of harassing young women, and then maintaining that he meant no harm, did nothing wrong, and that his accuser was simply trying to cause trouble (Paludi, 1990).

The characteristics of harassers are similar to those of the average male worker. This suggests it may be difficult to make predictions concerning which men are likely to harass and which are not, at least on the basis of easily available demographic variables (Paludi, 1990).

Truida Prekel divides harassers into **six broad types**, of which the first four are the most common. Her catalogue represents a sliding scale of increasingly negative behaviour patterns. Harassers who fall into the last two categories - at the lowest (and most serious and costly) end of the scale - bear deep-rooted psychological problems and unresolved impulses.

- **Mr Macho** performs in a gang, as one of the boys, turning out apparently harmless - but nevertheless deeply insulting - jokes, gestures and sexually suggestive displays.
- **The Great Gallant** pays excessive, embarrassing and usually inappropriate personal compliments. Viewing himself as the gallant gentleman, he usually doesn't realise that his attentions often annoy and patronise.
- **The Opportunist** is promiscuous in his attentions, seizing any opportunity - and any woman - for a kiss, a touch, a look.
- **The Power-player** uses his position to insist on sexual favours in exchange for benefits. This kind of quid pro quo treatment can lead to bad business decisions and can cost the company dearly.
- **The Situational Harasser's** behaviour is out of character, often triggered by a medical or psychological crisis, for example a serious illness or a divorce.

- **The Serial Harasser** carefully creates an image of himself that makes it hard for people to believe ill of him. He plans his approaches with great care, leaves no traces and acts only in private where it would be his word against the victim's, who is usually a subordinate. This harasser can do a lot of damage before he is found out. He is compulsive and often has serious psychological problems. The aberrant behaviour is often a call for help, in which case counselling is probably as important as disciplinary action (Levy, 1994).

Diana Lamplugh has analysed the type of men who are **sexual predators**. First, she says, categorise the man. Is he:

- The **older man** who is just embarrassed by having women around the workplace, especially in authority. This man often makes the kind of comments which might pass for compliments in the social scene but are annoying in the workplace.
- The **likeable sexist** who goes overboard when women are around. This man is likely to call you "love" or "dear".
- The man who **genuinely likes working with women** and does not understand that his mild flirting is offensive.
- **One of a group:** Sexual humour is often used to create group feeling among men. It is usually directed at women to exclude them and give "the boys" a sense of closeness with each other. Sometimes, however, it is hostile, aggressive humour directed against a woman and the woman's resistance is essential to the joke as it heightens the titillation.
- **A sexist pig or wolf:** if a man is being truly obnoxious it will usually be obvious to others (Lamplugh, 1988).

Another way of understanding sexual harassers is to describe the **roles** they most commonly assume.

- **The Counsellor-Helper**

This type of harasser uses the guise of nurturer and caretaker to gain access to

the woman. If she feels lonely and anonymous in the organisation, she may be flattered or consoled by his interest. He invites her confidence and uses information about her private life to discover her vulnerabilities, commitments, and attitudes about men and sex. Then he can tailor his "line" to her specific need. The counsellor-helper can act as a go-between in male-female relationships. This behaviour encourages the woman to see the harasser as a broker/gatekeeper in her relationship with a significant male.

- **The Confidante**

This individual approaches the woman not as a superior who can help her, but as an equal and friend. Sharing is an essential element in their interaction. He may invite her confidence, but he also offers his own. In an attempt to impress or win sympathy from the woman, he may relate or invent stories about his private and professional life. Placed in this role, the woman feels that he values and trusts her, so she becomes an involuntary confidante. Without genuine mutual agreement, the relationship is moved into an intimate domain from which she may find it difficult to extricate herself. Another method a harasser may employ is creating indebtedness through gestures of friendship.

- **The Intellectual Seducer**

This kind of seduction results from the harasser's ability to impress women with his skill and knowledge.

- **The Opportunist**

This person takes advantage of the physical setting and unusual/occasional circumstances to obscure his inappropriate behaviour and to gain intimacy with women. The opportunist may use fieldtrips, meetings, and conventions as occasions to escape institutional restraints. The problem for the woman is that these are often described as professional honours and/or necessities, and she feels compelled to attend.

- **The Power Broker**

The most familiar type of harasser, the power broker, trades on his ability to control credentials, recommendations, or jobs. The assumption that he works

only through crude and raw assertions of power is inaccurate. Direct promises of rewards/threats of punishment can exert enormous influence on women, but they feel equally victimised by promises and threats that are implied rather than stated openly. Because so much is at stake, the woman is unlikely to risk a complaint unless the harasser has been very overt about his intentions (Dziech et al, 1990).

Men who make advances toward women hardly ever talk about the woman's work performance or her career with her. Instead, the man tends to talk about himself, his personal life and problems, and matters of mutual interest unrelated to work. These topics suggest a high degree of self-absorption on the part of the man. He talks about matters that concern him. An even more likely topic of conversation than the man's concerns is the woman's personal appearance and clothing. All of this view women in accordance with sex role expectations rather than work requirements and thus are consistent with the sex role spillover perspective. These results also show that men who make serious sexual overtures toward women tend to treat women as women rather than as workers. They emphasise a woman's femaleness over her role as a worker (Gutek, 1985).

12. SEXUAL HARASSMENT OF MEN

Men frequently attempt to avoid the whole question of male sexual abuse of women on the job by saying that it happens to them too. Their harassment, they say, is that women will try to use them sexually to get ahead or obtain some advantage. Sexual harassment is the use of coercion, force, or intimidation by using rank within the work hierarchy or through social status which accords superior value to men and which men protect through bonding. When a female attempts to trade sex for favours, there is no harassment (coercion) involved, rather an attempt to strike a bargain. This clearly admits no possibility of penalties on the male if he fails to agree. For the man, it is a virtual no-loss situation (Farley, 1978). The sexual harassment they speak of amounts to an irritant, a joke, and at times an embarrassment. There is a world of difference between embarrassment, however severe, and outright coercion (Backhouse et al., 1981).

If sexual harassment is viewed as an abuse of power rooted in both the greater status of men relative to women and men's social conditioning to seize the right of sexual initiative, then it becomes highly unlikely that the perpetrators of sexual harassment will be women (Chapman & Gates, 1978).

National research establishes beyond doubt that women are far more likely than men to suffer sexual harassment at work. Nevertheless, many of the surveys available show that men can also experience sexual harassment, albeit that the scale of the problem for men is substantially less. The harassment will normally take the form of joking or teasing, rather than sexual overtures. However, as is often the case with women, it is the most vulnerable men who are likely to be affected: youths entering the workforce, men working as part of female-dominated work groups, men from ethnic or racial minorities, and homosexual men (Conditions of work digest, 1992).

It seems that, although it is a rare occurrence, some small number of women do indeed make approaches to male co-workers, approaches that are interpreted by

these men as sexual. The question, of course, is whether or not such behaviour constitutes sexual harassment.

Many writers have suggested that sexual behaviour is interpreted differently by men and women. First, men are more likely than women to interpret a particular behaviour as sexual; thus, a business lunch becomes a "date", if it is with a woman. Friendliness on the part of a woman is often interpreted by a man as a sexual gesture. It seems likely that some of the incidents they report would not even be considered sexual by them if the same behaviour was initiated by another man or by an older or less attractive woman. This tendency to sexualise their experiences makes it difficult to interpret men's reports of seductive advances.

A second point has to do with **differing reactions** to sexual overtures when they do occur. Although there are some exceptions, the great majority of male subjects report that they are flattered by such advances, whereas women report feeling annoyed, insulted and threatened (Paludi, 1990). One indication that sexual harassment is not a problem for men at work is their reluctance to label incidents as harassment. They are more likely than women to consider sexual overtures and comments as appropriate work behaviour. The less severe types of social-sexual behaviour are generally considered appropriate, enjoyable, ego enhancing, or confidence building for them (Gutek, 1985). An overwhelming number of men fall in to the "pinch again, honey" category. The initial response of most men is to laugh and proclaim that they would welcome all would-be sexual harassers (Backhouse et al., 1981).

Finally, it is extremely rare for a woman to hold the organisational power that would allow her to reward a man for sexual co-operation, or punish him for withholding it (Paludi, 1990).

The characteristics of the women labelled as "harassers" differ from those of male harassers. They are likely to be younger than the men they approach, and single. They rarely hold any supervisory authority over the men. Female "initiators" tend to be younger, unmarried, and above average in physical attractiveness. It seems unlikely that such a female employee is in an organisational position to harass

anyone (Paludi, 1990). The incidents that men report rarely affect their work or their opportunities for advancement. They do not quit jobs or ask for transfers to avoid their harassers (Gutek, 1985).

Men who admit to being sexually harassed almost without exception concede that their harassers are not in a position to place their jobs in jeopardy for failing to go along with the advances. If the sexual harasser's action make the man uncomfortable, steps are just taken in very short order to fire or transfer the offender. This clearly points out the distinction between female sexual harassers and male sexual harassers. When male sexual harassers make advances to working women, their actions are seen as a joke, a mere fact of life. When women make sexual advances to men on the job and their behaviour causes discomfort and apprehension, the situation is treated as serious. Steps are immediately taken to bring a halt to the behaviour (Backhouse et al., 1981).

If a woman is in a position to make sexual demands with relative impunity, as men have been, and uses that position to play the sex role men have played, she should succeed to the legal liability men in positions of power incur for abusive sexual practices. She should not be exempt on the basis of mere biology for behaviour that would be actionable if done by men (MacKinnon, 1979).

The apparently low incidence of sexual harassment of men by women is likely due in large part to traditional sex roles and patterns. From early childhood men are conditioned to take the role of sexual aggressor. Traditional notions of female sexuality are rooted in the image of women as passive seductresses. As a result of this social conditioning women are much less likely to act as the initiators in sexual relationships. However, attitudes are changing, and some would argue that in our modern, sexually liberated society, women operate under less burdensome restraints.

It is unlikely, however, even with changing societal notions about sexuality, that there will be a dramatic increase in the phenomenon of the female sexual harasser. Initially a sexual harasser must be able to utilise job-related sanctions to coerce an

unwilling victim. In a workforce where women hold so little managerial positions, there is little opportunity for them to exercise any authority or power over men.

Secondly, the few women who have been fortunate enough to make it into positions of authority are, in most cases, working at excess capacity. They have little time or energy to devote to the task of sexually harassing male employees. Furthermore, they are politically astute enough to recognise that to be discovered sexually harassing male subordinates would be disastrous for their careers. They are unlikely to risk hard-earned promotions for such minor stakes. These women recognise intuitively that there is a double standard for sexual harassers. Men who sexually harass successfully are generally viewed as virile, victorious studs. At worst, their behaviour is joked about. Women who try to behave as men do, who make sexist jokes, and who come on to male co-workers and subordinates, are the butt of ridicule. They are seen as crude, ridiculous creatures by both men and women. They will find no peer support from other women. The few women who do reach positions of power and authority are not about to court disaster by sexually harassing male subordinates. They know it is political suicide to engage in such behaviour (Backhouse et al., 1981).

The conclusion can be drawn that although it is theoretically possible for women to harass men, it is, in practice, an extremely rare event. This is due both to the women's relative lack of formal power, and the socialisation that stigmatises the sexually aggressive woman. Reports by male subjects of sexual overtures by women co-workers not only do not constitute harassment in any formal sense, but must also be evaluated in light of data suggesting that men are likely to interpret relatively innocuous behaviour as invitations to sexual contact (Paludi et al., 1991).

12.1 Women Who Exploit Their Sexuality for Gain

To be fair, however, one must admit that some women in our society do try to exploit their sexuality for gain. Some do so out of anger. They recognise that the workplace is saturated with discriminatory attitudes and policies. For women who have assessed that hard work and competence are not enough to break into the upper echelons of the work world, the notion of trading on one's sexuality becomes an

alluring option. Other women try to trade on their sexuality because of financial need.

Women who put their sexuality to work for them in the work-place are playing a dangerous game that, statistically, lead them to be fired for fooling around twice as often as men. Because the male is usually in a higher position, he is seen as less dispensable than the female, if superiors feel an affair is getting out of hand. If people are stepping out of line, sexually, there seems to be a compulsion on the part of the upper hierarchy to do something about it. Unfortunately, it is the woman who has to go. Co-workers react with disapproval, cynicism, and hostility - all of which are particularly directed at the woman, whom they perceived as engaging in sexual exchange for career advantage and favouritism.

With such obvious risks facing any woman who enters into an office affair, it becomes important to examine how lucrative the potential gains may be. It is not surprising to discover that women who try to use sex indirectly, for job-related gains, have little success (Backhouse et al., 1981). The actual rewards are very small. They might involve leaving work a little earlier, getting a nicer desk or word processor, receiving extra help at work, and the like. People do not receive substantial promotions, larger salaries, or more responsibility (Gutek, 1985). On the whole, women do not get advancement by using sex or by any other means. Statistics indicate that complying with sexual demands does not result in deserved promotions, much less undeserved ones. And it would probably be more correct to say that a woman who "slept her way to the top" was forced to comply with unfair demands because of her sex rather than that she took unfair advantage of her sex. The idea that working women use sex to get ahead is a way to deny the accomplishments of the few women who have managed, through hard work and superior qualifications, to advance. What is really being said is that they could not have gotten there on their own professional merit (Chapman et al., 1978).

Women who do "buy" promotions, raises, and so forth, with sexual payoffs almost always find they are left with nagging doubts about their abilities and job skills. Whether or not they are in fact competent to handle the work they are doing, their crises of self-confidence often jeopardise their job performance. Furthermore, they

are faced with a complete absence of job security. Office affairs, like all male-female relationships, have a disturbing propensity to shift with the winds of time. When the relationship goes on the rocks or another, more tantalising woman comes along, the cosy set-up could be called off in a hurry. The "love 'em and leave 'em" routine can quickly turn to "love 'em and fire 'em" in the work setting.

Another critical obstacle facing women who try to trade on their sexuality is the hostility and frustration felt by other employees, who inevitably react against what they perceive to be an unfair advantage. A woman who is handed a promotion as a return for sexual favours will find her work so sabotaged by her fellow workers that she will rarely be able to function. Subordinates and superiors of both sexes will undermine her work and belittle her authority. They will all assume that she holds her position not on an independent basis, but only so long as her male paramour can protect her. She will never be able to take control or build up satisfactory working relationships with her fellow workers. Inevitably the performance of the operation will suffer, and no matter how powerful her male protector is, she will be removed because of her inability to get the job done in an acceptable manner (Backhouse et al., 1981).

12.2 Homosexual harassment

Sexual harassment can also occur between members of the same sex, since the harassment occurs because of the sex of the victim regardless of the victim's sexual preference (Wagner, 1992).

Surprisingly, the harassers of men usually have no supervisory authority over the victim. In fact, the harasser tends to be a subordinate more often than a supervisor. When the harasser and victim are both men, the effects can be equally devastating. If the male victim takes formal action, he may feel even more alone, bewildered, and/or embarrassed. Because sexual harassment is seen as a women's problem, men who complain of sexual harassment may not be taken seriously or will be subjected to a tittering response from management (Cates, 1985).

As with most female victims, the principal problems for men may be to overcome bewilderment and the immobilising effect of violent fantasies. Here again, there is

no substitute for discussing the problem with discreet, sympathetic, and responsible people. The man who feels sexually harassed should make every effort to find help (Rowe, 1981).

Employers need to be aware of the possibility of same-sex harassment activity from supervisors and co-workers, regardless of whether the preference is shared by the harassee. The same standards of liability and the same theoretical analysis apply (Wagner, 1992).

13. SEXUAL HARASSMENT OF THE VICTIM

13.1 *The Impact of Sexual Harassment on Women*

Because it is for the recipient to determine what is or is not unwelcome or offensive to her, it is the impact of the behaviour upon the recipient rather than the intent of the perpetrator that is important. Failure to recognise this is responsible for a great deal of misunderstanding. Some men tend to think that, provided they mean no harm in what they are doing, they should be absolved of the consequences even if they persist in behaviour after it has been made clear that it is regarded as offensive by the recipient. Viewed correctly, that a man was only joking or flirting provides an explanation, not an excuse. Were that not the case, a woman would have to tolerate any sort of offensive conduct so long as the perpetrator did not **intend** to harm her. That clearly would be an unacceptable standard (Conditions of work digest, 1992).

Experiencing sexual harassment transforms women into victims and changes their lives. It is inevitable that once victimised, at minimum, one can never again feel quite as invulnerable (Paludi, 1990). It degrades and subordinates women and this, in turn, reinforces sexual stereotypes of female inadequacy which fosters low self-esteem and discourages women from even trying to succeed (Rademan, 1990).

Just as the form of sexual harassment varies widely, so does its effect. If one were to construct a continuum of sexual harassment, one might construct a scale with leering, non-physical forms of behaviour on one end of the scale and sexual assault/rape at the other end. This scale of severity of sexual harassment, some might also assume, is directly related to how an individual would respond to such behaviour. Not so. Research indicates otherwise. The form of sexual intrusion is often immaterial. Women are sometimes greatly distressed by persistent low-level harassment - leering, for instance - and exhibits stress symptoms similar to women who have experiences of sexual and physical assault. In each instance, a woman is no longer made to feel like an employee or a colleague. She is immediately transformed into a sexual object (Walby, 1988).

An experimental study demonstrated that women had strong negative affective reactions to harassment by supervisors regardless of the degree of imposition of the behaviour. Women were more upset, embarrassed, and fearful when harassed by a male superior than by an equal- or lower-status male. In addition, the status of the initiator interacted with the type of behaviour in several cases. Women felt more disgust in response to sexual staring by higher-status and lower-status males than by equal-status males. They also felt more disgust at physical touch by lower-status males than higher- or equal-status males. A sexual stare was seen as more harassing when the initiator was of high status than of low status. These findings suggest that female workers may respond differently as a function of the status of the harasser, as well as the particular harassing behaviour (Littler-Bishop, Seidler-Feller & Opaluch, 1982).

Women's feelings about their experiences of sexual harassment are a significant part of its social impact. Like women who are raped, sexually harassed women feel humiliated, degraded, confused, ashamed, embarrassed, and cheap, as well as angry. They tend to feel the incident is their fault, that they must have done something, individually, to elicit or encourage the behaviour. Since they feel no one else is subjected to it, they feel individually complicit as well as demeaned (MacKinnon, 1979).

Many victims are afraid that direct expression of anger will result in negative job changes. On the other hand, women are encouraged to be "nice" and also to avoid challenging males, both of which are violated if women express anger at sexual harassment. The conflict between anger and fear is further exacerbated by cultural norms that hold women responsible for stimulating men's sexual behaviour. Women often report feeling guilty and embarrassed as a result of harassment. These feelings promote internalisation of the problem while inhibiting expression of anger (Livingston, 1982).

Sexual harassment causes severe trauma; violates trust, especially when the harasser is in a position of power/authority; and causes secondary losses, including the lack of support and comfort from family and friends, and retaliation when charges are filed (Paludi et al., 1991).

Being subjected to leering or sexual comments on a daily basis, has cumulative effects. Harassed women report becoming nervous and irritable; they feel humiliated; they feel they cannot control the encounters with the harasser(s) and thus feel threatened and helpless. Women describe the daily barrage of sexual interplay in the office as psychological rape. The day in and day out exposure to what many assume to be "harmless" behaviour produces reactions similar to those of sexually assaulted women (Stanko, 1985).

Women's confidence in their job performance is often totally shattered by these events. They are left wondering if the praise they received prior to the sexual incident was conditioned by the man's perception of the sexual potential in the relationship - or is it only that the later accusations of incompetence are conditioned by his perception of the lack of this possibility?

Faced with the spectre of unemployment, discrimination in the job market, and a good possibility of repeated incidents elsewhere, women usually try to endure. But the costs of endurance can be very high, including physical as well as psychological damage. The anxiety and strain, the tension and nervous exhaustion that accompany this kind of harassment take a terrific toll on women workers. Nervous ticks of all kinds, aches and pains (which can be minor and irritating or can be devastatingly painful) often accompany the onset of sexual harassment. These pains and illnesses are the result of insoluble conflict, the inevitable backlash of the human body in response to intolerable stress which thousands of women must endure in order to survive (MacKinnon, 1979).

Financial Impact

The economic effect of sexual harassment on working women is anything but trivial. Some women leave jobs because they face persistent sexual harassment; others are fired because they refuse to be sexually co-operative (Chapman et al., 1978). Historically, women in a sexual harassment situation have tended to quit rather than complain. They were embarrassed, afraid and did not believe they could win. As a result, in changing companies they tended to move from one entry-level position to another. All of this contributes to the cycle of downward mobility, unemployment, and poverty among women (Meyer et al., 1981).

Victims pay a double penalty for changing or transferring jobs and this can have a negative effect on long-term job prospects. Promotion, merit increases, seniority and sick pay, pension rights and opportunities for training are frequently linked to length of service. Forced to sacrifice these benefits, victims of harassment help justify the view that women are not interested in job or career opportunities. And the widely held assumption that women are unreliable workers is confirmed by poor job performance, absenteeism, requests for transfer without obvious reasons and an unwillingness to work after normal hours. As a consequence, harassment not only affects individual women workers but contributes to the unsatisfactory overall conditions which women experience within the job market (Hadjifatiou, 1983).

Psychological and Physical health

Psychological and physical reactions, depression, insomnia, headaches, all indicate that harassment is a major contributor to stress at work. The long-term damage to the **health and personal well-being** of people affected by work-related stress is well documented:

- decrease in job performance and job satisfaction
- absenteeism
- anxiety, tension, irritation, depression
- increased alcohol, cigarette and drug use
- sleeplessness and tiredness
- problems with weight and diet
- migraine
- coronary heart disease
- difficulties with family and personal relationships
- physical and mental illness (Hadjifatiou, 1983).

The physical symptoms frequently reported by these victims include: gastrointestinal disturbances, jaw tightness and teeth grinding, anxiety attacks, binge-eating, headaches, inability to sleep, tiredness, nausea, loss of appetite, weight loss, and crying spells (Paludi, 1990).

The Cognitive Impact

The sequence of reactions to harassment that were observed represent a sequence of changes in the victim's central beliefs about herself, her co-workers, and the workworld:

- **Confusion/Self-blame**

The sexual harassment was a series of events. After each incident, the victim believed that the harassment was going to level off or eventually stop. When the harasser's behaviour escalated, the victim felt out-of-control and helpless.

- **Fear/Anxiety**

Subsequent to the harasser's continuing behaviour, the victim felt trapped and became "paranoid". She feared potential retaliation at work, the future of her career, and potential financial ruin. Outside of work, she feared being called on the phone in the early morning, having her home watched, or being followed in a car. Concentration, motivation, work performance, and attendance were adversely affected and self-esteem declined.

- **Depression/Anger**

Once the woman recognised that she was a legitimate victim who was not to blame for her harassment, anxiety often shifted to anger. Often this shift occurred when she decided to leave her job or was fired. This anger about being treated unfairly was a prime motive to file charges. While filing charges may have represented a positive step by the victim to take control of her destiny, it often led to a decided deterioration in the work situation.

- **Disillusionment**

The organisational response to sexual harassment was often hurtful and disappointing. By speaking up, the woman encountered a whole new set of

institutional abuses. Often, the woman eventually realised that she had been naive about getting help in the system. She questioned her expectations about fairness, loyalty, and justice. These ingenuous beliefs gradually became replaced by the insight that justice doesn't always prevail (Paludi, 1990).

Emotional After-effects

Sexual harassment strikes down hard on a person's emotional well-being. When an individual is sexually threatened or continuously exposed to the elements of a sexually hostile environment, the negative effects of such exposure or activity can mentally break down an otherwise competent and well-adjusted individual. Depending on the degree of harassment, the emotional injuries of sexual harassment can have far-reaching and extremely damaging effects on a person (Neville, 1990). Several emotional and behavioural reactions are experienced with considerable regularity by survivors of sexual harassment, including the following:

- **Grief and Loss**

Permeating all survivor reactions is a sense of loss: loss of tangibles like a job or a desired career path, and also losses of security, self-esteem, and wholeness. The psychological factors constituting emotional loss are often more subtle and destructive than the tangible losses.

- **Depression**

Loss and grief are often accompanied by some level of depression. The victim is likely to need support for changing the elements of her environment that trigger or maintain her depression.

- **Guilt**

After sexual harassment stereotypic attitudes and beliefs encourage the incorporation of self-blame and guilt in the victim. As long as the victim feels guilty, she is not free to work fully on self-esteem and anger.

- **Anger**

For most victims, anger is not easy to develop nor to target at the harasser. Expressing rage is especially difficult for most women, who are socialised from

childhood not to express any negative emotions. When feelings of anger do emerge, they tend to be either diffuse, directed at the wrong targets, or self-directed - none of which are helpful. Harassment victims fault their peers for not helping them out. Anger at the abuser conflicts with any behavioural self-blame serving as psychological protection.

- **Loss of Trust**

Sexual harassment often leads to feelings of betrayal, especially when the victim had trusted the harasser. Fear of future betrayals often makes a victim wary in all relationships. After the harassment there are often secondary betrayals. Friends and colleagues may question the victim's behaviour; family members may react with anger instead of support. After secondary betrayals, mistrust generalises to a much wider range of people. Other spheres of a victim's life, such as her sense of competence, may be affected by betrayal. Betrayal often leads the survivor to doubt her own judgement, particularly her ability to distinguish harmful from helpful people.

- **Control Issues**

One common response is a generalised paralysis, a continuing helplessness that affects other realms of life. Such learned helplessness increases vulnerability to subsequent victimisation. A second common response is to attempt to compensate for loss of predictability by increasing control over future events.

- **Body Image Problems**

Many victims feel differently about their bodies after the harassment, some attribute the harassment to an attractive or seductive appearance. In an effort to make themselves less likely targets in the future, they may gain weight, change their style of dressing, or cease to keep themselves clean (Quina & Carlson, 1989).

Self-Blame

There is ample evidence that women experience an enormous amount of guilt and self-blame surrounding harassment. In a society where women are held and hold

themselves responsible for arousing men's sexual interest, it is easy to understand how women can become conflicted about their own motives and behaviours. Even if the victim could avoid second-guessing her behaviour and motives, she knows that others would judge her harshly if the situation became known. In cases with sexual overtones, male and female observers typically wonder, "Did she encourage him?" or "Did she enjoy it?". Not surprisingly, research suggests that self-blame is especially prevalent among women who have complied with their harassers in any way (Paludi, 1990).

Sexual Harassment Syndrome

Tong (1984) has identified a "sexual harassment syndrome" that describes the emotional and physical symptoms suffered by victims of sexual harassment generally. The following consequences of harassment may be experienced by victims:

- general depression
- undefined dissatisfaction
- sense of powerlessness, helplessness, and vulnerability
- loss of self-confidence and decline in performance
- feelings of isolation
- changes in attitudes or behaviours regarding sexual relationships
- irritability with family and friends
- fear and anxiety
- inability to concentrate
- alcohol and drug dependency (Paludi, 1990).

Sexual Harassment Trauma Syndrome

In recent years, the label "Sexual Harassment Trauma Syndrome" has been applied to the effects of harassment on the physical, emotional, interpersonal, and career aspects of women's lives. Research has indicated that depending on the severity of the harassment, between 21 percent and 82 percent of all women report that their emotional and/or physical condition deteriorated as a result.

Emotional Reactions

- Anxiety shock, denial
- Anger, fear, frustration
- Insecurity, betrayal, embarrassment
- Confusion, self-consciousness
- Shame, powerlessness
- Guilt, isolation

Physical Reactions

- Headaches
- Sleep disturbances
- Lethargy
- Gastrointestinal distress
- Hypervigilance
- Dermatological reactions
- Weight fluctuations

- Nightmares
- Phobias, panic reactions
- Genitourinary distress
- Respiratory problems
- Substance abuse

Changes in Self-perception

- Negative self-concept/self-esteem
- Lack of competency
- Lack of control
- Isolation
- Hopelessness
- Powerlessness

Social, Interpersonal Relatedness, and Sexual Effects

- Withdrawal
- Fear of new people, situations
- Lack of trust
- Lack of focus
- Self-preoccupation
- Changes in social network patterns
- Negative attitudes and behaviour in sexual relationships
- Potential sexual disorders associated with stress and trauma

- Changes in dress or physical appearance

Career Effects

- Changes in work habits
- Loss of job or promotion
- Unfavourable performance evaluations
- Drop in work performance because of stress
- Absenteeism
- Withdrawal from work
- Changes in career goals (Paludi et al., 1991)
- Loss of concentration
- Decreased morale (Paludi, 1990).

Fending off unsolicited and offensive sexual advances every working day causes tension, anxiety, frustration, and anger. Most women find their job performance suffers as they are forced to take time and energy away from work to deal with sexual harassers. The anger they feel at this unjust treatment is often internalised as a deep sense of guilt. Women are socialised to think that it is their responsibility to control sexual matters. When they are unable to do so - and in an employment situation, there are very few women who can deal with sexual harassment from supervisors and other men with authority over them - they believe it is due to some shortcoming on their part (Backhouse et al., 1981).

Judging from these responses, it does not seem as though women want to be sexually harassed at work. Nor do they, as a rule, find it flattering. While the harassing behaviour varies widely, the pattern of the behaviour and its effects both represent a serious violation to women's personal integrity. In each instance, a woman is no longer made to feel like an employee or a colleague; she is immediately transformed into a sexual object. At this point, her gender, her physical being, receives attention from her male colleagues. Her value is not in her work, but in her use as a sexual being (Stanko, 1985).

Sexual harassment, then, is similar to other occupational health hazards like speed-up or poor lighting in that it drains women's energy, damages their health, and ultimately reduces their earning power often without their realising it (Paludi et al., 1991).

There is little discussion of the long-term effects it has on the women abused. It alters women's attitudes toward organisations and may have long-lasting effects on their perceptions of men and sex. Perhaps most insidious are its influences upon the self-images of those forced to endure it (Dziech et al., 1990).

13.2 Women's Reactions To Sexual Harassment

Sexual harassment affects women's lives. Harassed women respond in different ways to their harassment: many quit or are fired from their jobs, still some others are successful in stopping the behaviour (Stanko, 1985).

The **commonest reactions** to sexual harassment are:

- to suppress inner feelings and try to ignore it
- to take time off work
- to transfer to another job
- to leave the job
- to complain and risk retaliation
- to go along with the harassment for fear of retaliation.

A frequent **coping tactic** is refusal to acknowledge that harassment exists. Another coping strategy is to deny the seriousness of the problem. Often women who do acknowledge the seriousness of harassment try to cope through avoidance. They invent appointments, enlist the presence of friends, stay home, or even hide to prevent encounters. Another tactic is "dressing down", trying to appear asexual and unattractive to avoid notice, but dressing down may also be a way of declaring feelings of inferiority and victimisation. It can express self-doubt as well as desire to

deal with a threatening situation. Each of these manoeuvres is a passive-aggressive strategy; the woman attempts to control external factors in the environment because she realises she cannot control the harasser (Dziech et al., 1990).

When harassment becomes unbearable, women take action to remove themselves from the harasser by having days off, calling in sick, coming in late, limiting on-the-job interaction with the harasser. Unfortunately, this tactic gives the employer the opportunity to build a case that she is a poor worker. Most often, the woman lives with it until it becomes unbearable, and then she quits. By quitting, she avoids a confrontation. More important, she can leave with a clean record, enhancing her chances of getting a job elsewhere (Clarke, 1982). In many cases, the woman simply decides that leaving the job is the least painful alternative for her, even though her own career will suffer (Gutek, 1985).

Most people who are being harassed merely want to stop the offensive behaviours and to prevent interference with their employment. Many try to ignore the harassment, believing that their unresponsiveness will signal the offender to end the abuse. However, one survey of office harassment victims found that 75 percent of the women who used the silence strategy found that the harassment continued or actually increased (Quina & Carlson, 1989).

That women "go along" is partly a male perception and partly correct, a male-enforced reality. Women report being too intimidated to reject the advances unambivalently, regardless of how repulsed they feel. Women's most common response is to attempt to ignore the whole incident, letting the man's ego off the hook skillfully by **appearing** flattered in the hope he will be satisfied and stop. These responses may be interpreted as encouragement or even as provocation.

Some women feel constrained to decline gently, but become frustrated when their subtle hints of lack of reciprocity are ignored. Even clear resistance is often interpreted as encouragement. Ultimately women realise that they have their job only so long as they are pleasing to their male superior, so they try to be polite.

As a result of these attitudes, complaining to the perpetrator usually has little good effect. The refusal is ignored or interpreted as the no that means yes. If the no is taken as no, the woman often becomes the target of disappointed expectations. She is accused of prudery, unnaturalness, victorianism, and lesbianism. The presumption seems to be that women are supposed to want sex with men, so that a woman who declines sexual contact with this particular man must reject all sex, or at least all men (MacKinnon, 1979).

When the man is black and the woman white, the emotional blackmail, the "you're not the woman I took you for", often becomes particularly unfortunate. The heritage of racism that portrayed the white woman as "too good" for the black man is now used to manipulate her white guilt, putting her in the position of seeming to participate in that system's castration of the black man if she declines to have sex with him, and in racist repression if she complains officially.

For many women, work, a necessity for survival, requires self-quarantine to avoid constant assault on sexual integrity. Many women try to transfer away from the individual man, even at financial sacrifice. But once a woman has been sexually harassed, her options are very limited. If she objects, the chances are she will be harassed or get fired outright. If she submits, the chances are he'll get tired of her anyway. If she ignores it, she gets drawn into a cat-and-mouse game from which there is no exit except leaving the job.

Women do find ways of fighting back short of, and beyond, leaving their jobs. As has been noted, non-rejection coupled with non-compliance is a subtle but expensive form. One shuffles when one sees no alternative. Women have also begun to oppose sexual harassment in more direct, visible, and powerful ways. Protest to the point of court action before a legal claim is known to be available, but it requires a quality of inner resolve that is reckless and serene, a sense of "this I won't take" that is both desperate and principled. It also reflects an absolute lack of any other choice at a point at which others with equally few choices do nothing (MacKinnon, 1979).

Sexual harassment makes women's jobs immensely more difficult, adding onerous demands and distractions. It inhibits job performance by placing women under pressure to tolerate or fulfill sexual conditions or leave work. Men do not labour under such burdens. The necessity to escape sexual harassment discourages women from remaining at one job long enough to acquire seniority and experience, to their detriment in employment. Employers are under an obligation to eradicate such discriminatory conditions from the working environment. No woman should have to leave work in order to enforce her right to work free from sex discriminatory conditions (MacKinnon, 1979).

13.3 Victims' Reluctance to Complain

Reluctance to report sexual harassment has been variously interpreted. Some regard the low reportage rate as a proof that the statistics are exaggerated or that the victims of sexual harassment are not sufficiently disturbed to feel the need to complain. Others naively assume that low grievance rates imply low incidence of sexual harassment. But surveys and anecdotal evidence are by now decisive enough to prove that low reportage does not suggest that "all is well"; rather, low reportage demonstrates that the majority of victims deliberately avoid institutional remedies (Dziech et al., 1990).

Economic need, the structure of the work-place, and female sex-role conditioning are critical factors in the way women respond to sexual harassment. Because assertions of male dominance are socially sanctioned, because men normally hold higher rank at work, because work is a source of income, and because society trains women to be "nice", few women object to male invasiveness unless it is profoundly disturbing (Farley, 1978).

Because of a long history of silence on the subject, many women feel uncomfortable, embarrassed or ashamed when they talk about personal incidents of harassment. They are afraid that it will reflect badly on their character or that somehow they will be seen as inviting the propositions (Aggarwal, 1987). This also suggests that at work, as in other situations, women are responsible for setting the "moral tone". They are also responsible for handling any sexual situation that might

arise. The fact that they are sexually harassed represents a failure on their part to communicate the proper moral tone (Gutek, 1985). When women do speak out, they are often ignored, discredited or accused of "misunderstanding" their superior's intentions. Many women attribute their silence to practical considerations (Aggarwal, 1987).

Why does the harassee neglect to take the complaint to the appropriate authorities? Because of the consequences of doing so. Termination, ridicule, lengthy and embarrassing investigations yielding no end results and punitive retaliations are among the responses to harassee complaints (Meyer, 1981). Women are intimidated as subordinates in the hierarchical structure, fearing that a direct confrontation would result in threats to their livelihood (Backhouse et al., 1981).

Retaliation takes many forms, depending on the work situation:

- verbal denigration as a woman sexually
- non co-operation from male co-workers
- poor personal recommendation/references
- negative job evaluation/bonus rating
- impossible performance standards
- refusal of overtime
- demotion or downgrading
- injurious transfers
- worsening of shift pattern/hours worked
- loss of job training
- outright termination of employment (Cabrera et al., 1992).

The possibility of retaliation is one reason why few women lodge a formal complaint about harassment. **Other reasons** include an unwillingness to make a fuss, unfamiliarity with the appropriate procedures, a feeling that nothing will be done, fear that the complaint will not be treated seriously, and the likelihood that in any case no action will be taken against the harasser. Complaints are often dealt with by personnel whose own sexist practices encourage harassment. Even if harassment is proved, management are reluctant to discipline or dismiss supervisors or male workers. Their skills are seen as more valuable; it is the victim who is expected to adapt (Hadjifatiou, 1983).

Victims experience a **second victimisation** when they attempt to deal with the situation through legal and/or institutional means, because these procedures are typically operated by people who have stereotypical ideas about men, women, sex and life (Wise & Stanley, 1987). Professor Middleton, head of the Department of Criminal and Procedural Law at Unisa, adds that, though there is recourse to law if the woman's dignity is injured, many will not take the matter to court because the trial can be smutty. The harasser may defend himself by saying he was provoked or that he thought the woman was interested in him - and it is just his word against hers (Fried, 1989). A woman who tries to utilise these procedures can well find herself involved in a judicial re-enactment of harassment (Wise et al., 1987).

Feelings of self-blame, of humiliation, of responsibility for men's behaviour, of shame, of loss of self-esteem, of being stigmatised - all of these encourage silence; breaking the silence barrier exposes the woman to judgement from others for her failure to live up to ideal womanhood (Stanko, 1985). Another reason for not complaining is a feeling of guilt. Women are made to feel responsible for their own victimisation by being told that, when a man approaches them sexually, they must have been doing something to provoke him (Chapman et al., 1978). A victim is often viewed as a precipitant or an actual participant in crimes with sexual components unless strong non-consent and resistance can be demonstrated by the presence of serious injury. When people acknowledge their status as victims, some degree of devaluation and social stigma is inevitably incurred. Thus, there is

considerable motivation to reject the role of "victim" both to oneself and to others (Paludi, 1990).

Despite the feelings of guilt, self-loathing, and fear of others' responses, many women who have been sexually harassed do complain about it to someone - usually a woman friend, family member, or co-worker. Those who do complain, as well as those who do not, express fears that their complaints will be ignored, will not be believed, that they instead will be blamed, that they will be considered "unprofessional", or "asking for it", or told that this problem is too petty or trivial for a grown woman to worry about, and that they are blowing it all out of proportion (MacKinnon, 1979).

Women who complain about sexual harassment are at times accused of being "frigid", a "bad sport", or "unfriendly". Additionally, women's relationships with men outside the particular harassing situation may be affected. Experiencing sexually harassing behaviour, "typical" male behaviour, leads many women to suspect all men's typical behaviour. Relationships with co-workers may be affected as well (Stanko, 1985).

In the absence of a policy employees assume that the company would not back them but would back the official in a higher position and therefore will not risk stating that there has been harassment. Further, witnesses are hard to gather because no one is willing to put his or her job on the line for another, since that is what they perceive happens when one complains about sexual harassment (Meyer, 1981).

Women also feel intimidated by possible repercussions of a complaint, such as being considered a "troublemaker", or other men in their lives finding out about the incidents, men who typically believe they must have been asking for it (MacKinnon, 1979).

Since most women do not believe that they will be able to stop sexual harassment by speaking up, they will go to great lengths to signal their unavailability. They may dress down or in severely tailored clothes, wear wedding bands, invent boyfriends, or behave in a very cool, reserved manner. But the subterfuge can cause almost as much stress and anxiety as the harassment (Backhouse et al., 1981).

A sizeable number of victims are concerned not only about themselves but also about the harasser. They express great concern over whether the harasser might lose his job or his family if a complaint is filed against him (Paludi, 1990). Although many women are angered or disgusted by the man's behaviour, they most often do not want to hurt him in any way. Some people may believe that women who file complaints against men at work are vindictive and spiteful, but survey responses revealed that many more are compassionate and forgiving (Gutek, 1985).

Other reasons why women have been hesitant to file a complaint include:

- It is difficult to protect the confidentiality of the complaint once the investigation of the charges has begun. This subjects women to embarrassment and harassment from co-workers.
- Sexual harassment often occurs when women are economically vulnerable and they fear that if they file a complaint they will lose their jobs.
- Some women feel guilty about these advances and believe they have done something to cause them.
- The length of time it takes to process a complaint is prohibitive, considering that the complainant must continue to work with the harasser and possibly be subject to reprisals.
- Some women fear that the publicity a complaint may receive will not only hurt their job prospects but also their personal lives and marital relationships. They fear that they would have a difficult time in explaining and convincing their husbands and children of what happened to them.
- In terms of money and time, the cost of sexual harassment litigation is also a prohibitive factor.
- Fear that they will not be believed.
- Shame at being involved in any form of sexual incident.

- Fear that by protesting they will call attention to their sex rather than to their work (Dziech et al., 1990).

A complainant may also be afraid of a **retaliatory defamation suit** by the harasser. If the complainant somehow fails to establish her charges of sexual harassment, her vulnerability for a tort action increases drastically. The harasser, however, achieves his basic objective of silencing the victim by frightening her through a threat of or actual tort action (Aggarwal, 1987).

Understanding the process of women's responses to men's intimidating behaviour can enable us to uncover the reasons why women remain silent. This silence, contrary to popular thinking, does not mean tacit acceptance. Silence is a way for the powerless to cope with very real situations. Silence is a declaration. Factors such as concern for others, situational helplessness, fear and terror, and perhaps even immobilising depression encourage silence (Stanko, 1985).

Fear that complaining may result in loss of job is well founded. Knowing that dismissal or other forms of retaliatory action are a real possibility, it is not surprising that most victims try silently to cope with harassment, irrespective of the cost to their health and future job prospects. This situation needs to be changed so that harassment is tackled openly and effectively by both management and workers (Hadjifatiou, 1983).

13.4 Conclusion

The picture of sexual harassment that emerges as understanding of the phenomenon grows is not only one of a common experience, but also a damaging one. Physical symptoms like headache, backache, nausea, weightloss or gain, and psychological reactions, like insomnia, depression, and nervousness, are common. These reactions in turn cause loss of motivation, absenteeism, and, in the end, diminished productivity, as women lose their desire and ability to work efficiently (Paludi et al., 1991).

Although the vast majority of women blame the male initiator for their sexual harassment, many women feel disgust or anger in response, and a sizeable minority

of women report ill effects. The majority do not see any need to report the incident. One may guess that many do not report the harassment because they are concerned about the negative repercussions of reporting it or perhaps the sheer waste of their time if the complaint will just languish on someone's desk. In general, the women who do not report the incident are more likely than others to blame themselves for the harassment, especially if they think their behaviour brought about the incident. This combination of findings suggests that women may feel more responsibility than they are willing to admit, or, perhaps, they feel they have no right to expect anything different, although they did not cause the event (Gutek, 1985).

Women will continue to pursue personal solutions until they feel the social climate changes as follows: by condemning the abuse, rather than the objection; by acceptance of the damage as real, rather than trivial; by ceasing to presume women's accusations to be gratuitous and false; by recognising the enormous effort it takes for working women to overcome their socialisation to passivity in order for them to complain; and by insuring that slander and libel laws be fairly applied. Until then, women will remain locked into a posture of defending themselves both psychically and physically at the expense of their jobs or they will defend their jobs at the expense of their well-being (Farley, 1978).

14. IMPLICATIONS OF SEXUAL HARASSMENT FOR EMPLOYERS

Unchecked sexual harassment in the work-place can be expensive for the employing organisation. Sexual harassment, especially when it continues over an extended period of time, can create high levels of stress and anxiety for both the victims and the perpetrator (Aggarwal, 1987). When the reactions of victims affect the employee's performance at work, the productivity, focus, and effectiveness of the individual and the group may suffer as the victim of harassment attempts to cope with her situation (Wagner, 1992). Many companies know the problem exists, but aren't aware of the full extent or the destructive effects of this invasive "weed" which can sap the energy and productivity of individuals and of work groups (Prekel, 1989).

The Costs of Sexual Harassment

Some of the costs of sexual harassment are obvious and direct: cost of attorney, awarded damages, or settlement costs. Others are less clear-cut, but may be even more significant when the effects of sexual harassment on the work-place are fully considered (Wagner, 1992).

To illustrate, let us look at a harasser and harassee. Both spend time off the job to pursue their own concerns. The harassee feels anger, helplessness, threat or fear and therefore is preoccupied with thoughts other than work. Depending on the intensity of the interaction, it can lead to emotional upset, impair physical health and do psychological damage. Later, this will directly affect the organisation's pocketbook in terms of workman's compensation, absenteeism, turnover and possible legal penalties. In fact, as we have seen, this may have a domino effect. It is not only one person's productivity that is lost, but the productivity of all those workers who have some vested interest in the subject and are interacting, either directly or indirectly, with the harassee.

When the harasser is a supervisor or a manager, the complexity begins to grow. The organisation's reputation is now added to the boiling pot and the potential for front page news becomes inviting. Millions are spent annually for advertising to

promote the company and the organisational image. One news item which has great and diverse appeal is sexual harassment, but is that the news that the organisation wants? How much money will be required to re-establish its image once it has been tarnished by such a controversial news story?

Another consideration of equal importance is that the manager set the tone for his or her department. If the manager's focus is on harassing, it is not on productivity. If he or she fails to take action against a harasser in the department, then the manager sets the tone for others in the department by dividing allegiances, encouraging other would-be harassers and, in general, costing the organisation both productivity and financial stability (Meyer et al., 1981). Because managers set the tone for their departments, they control the ambience of their work group to a certain extent. Therefore, they should encourage professionalisation, and discourage sexualisation of the work environment by their own behaviour (Gutek, 1985).

Legal Costs

Losing a sexual harassment suit is the most obvious cost to employers. Over and above an award of back pay, general and consequential damages as well as an order for the legal fees of the complainant may add up to a substantial monetary loss.

A woman who proves that she was discharged from her job for failing to accede to her supervisor's requests for sexual favours would be entitled to an award of **back pay**. Similarly, if an employee is so intimidated by sexual harassment that she voluntarily quits her job, her resignation may be regarded as a "constructive dismissal", thus entitling her to back pay (Aggarwal, 1987).

Aside from amounts awarded to successful charging parties, an employer must also bear the cost of mounting a legal defence, whether a case goes to trial or settles out of court, and whether the case is of great or little merit (Wagner 1992). Investigating or dealing with a complaint also has costs: people may need to be reassigned or removed from positions; inquiries or in-depth investigations may need to be conducted; in-house personnel may be required to spend time on this or outside

personnel may have to be hired to conduct briefings, interviews, and so on; there are administrative costs; and there are counselling costs (Ballew & Adams-Regan, 1993). Internal expenses generated by the need to interview witnesses; gather and reproduce documents, files, production or operating records, and policy statements; and any and all other relevant materials may also prove to be unexpectedly costly. Clearly, a small fraction of those costs channelled into training and other preventive measures is money well-spent.

Hidden Costs of Sexual Harassment

In addition to the cost of court cases, which is painfully obvious to management, research shows other costs to organisations in the form of lower productivity, less efficiency, and lower job satisfaction, as well as loss of valuable employees through resignation, voluntary transfer to other departments, and lowered commitment to the organisation (Gutek, 1985). If productivity is a function of focused concentration, then the tension, preoccupation, and avoidance normally associated with sexual harassment must eventually take its toll in the ability of the individual to do the job (Meyer et al., 1981). If sexual harassment is a rampant feature within an organisation, the result is a high female turnover (with all the associated costs in training and lost production) and a poisoned working environment. Office morale as a whole suffers, and with it follows a definite plunge in productivity (Backhouse et al., 1981). The enterprise, for its part, will incur significant costs in recruiting and training replacement employees, as well as possible additional costs in having a job vacant, such as work not done or overtime for other employees (Conditions of work digest, 1992). Even if the victims of the sexual harassment do not have the option of quitting their jobs, research indicates that they lose a considerable amount of time due to sickness (Backhouse et al., 1981). Those who become ill as a result take time off work, reducing efficiency and imposing costs on the employer through sick pay and medical insurance payments. While they are at work, the victims of sexual harassment are likely to be less productive and less motivated, thereby affecting both the quantity and quality of their work. These are some of the ways in which sexual harassment can have a direct impact on profitability (Conditions of work digest, 1992). Sexual harassment syndrome manifests itself in a variety of physical

and psychological ailments. Nervous, unhappy employees eventually lose interest in their jobs and may ultimately grow to hate work itself (Backhouse et al., 1981).

The effects on others in the work force include psychological damage (such as anger, resentment, fear), loss of productivity, and possible formation of factions in the work environment as people "take sides". All of this can severely impact the contribution that workers can make to the organisation (Ballew et al., 1993). It can also lead to a drop in respect for those in positions of power who are seen to condone the action, and a poor company image for both staff and client. The human cost can be huge and often impossible to quantify (Levy, 1994).

The Working Woman survey estimated sexual harassment costs at \$6 719 593 per company per year. That figure included such expenses as turnover costs, falloffs in production, and leaves of absence. It did not include the costs of litigation (Wagner, 1992).

The U.S Merit Systems Protection Board survey calculated that sexual harassment cost the US federal government \$189 million from May 1978 to May 1980. The figure comprises:

- replacing employees who left their jobs because of sexual harassment (to cover recruitment and training)
- paying medical insurance claims for service to employees who sought professional help because of physical or emotional stress brought on by their experiences
- paying sick pay to employees who missed work
- absorbing the costs caused by reductions in both individual and group productivity as a result of the disruption to work (Hadjifatiou, 1983).

The U.S. Merit Systems Protection Board estimated the costs of sexual harassment to the federal government from May 1985 to May 1987 on \$267 million. This include the cost of replacing employees who leave because of sexual harassment, sick-leave payments to employees who are absent from work because of sexual

harassment concerns, as well as the cost of reduced productivity, both individually and in groups.

The costs of bad decisions made are difficult to quantify, but these should include the costs of appointing people because of their looks or compliance with quid pro quo demands, rather than skills and competence (Levy, 1994).

The hidden expenses of turnover, sick leave and absenteeism, and decreased effectiveness are the real corporate issues; indeed, they may directly affect not only how corporations respond to women bringing sexual harassment allegations to their attention, but may be significant factors in shaping their views of women in the workplace (Wagner, 1992).

Another type of cost to enterprises is the lost time to management of having to investigate and defend against claims of sexual harassment (Conditions of work digest, 1992).

If female employees are so dispensable that this is hardly an organisational concern, consider the cost to the corporation in key male employees. As women begin to speak up about sexual harassment, the male perpetrators' careers become at risk. The organisational investment in male harassers can be considerable. Management would be wise, for this reason alone, to take issue with sexual harassment (Backhouse et al., 1981).

So apart from the financial penalties that an employer may encounter, there is also human suffering, loss in productivity, and the adverse effects on the careers of victim and harasser (Cabrera et al., 1992). Organisations that do not take steps to prevent sexual harassment, such as identifying the extent of the problem, educating and training staff, and changing and clarifying policy, are neglecting their responsibilities and are vulnerable to costly legal action (Griffin-Shelley, 1985). There is growing appreciation that the price paid in terms of loss of efficiency, poor morale, absence and labour turnover far outweighs the cost of installing an effective policy to deal with sexual harassment (Rubenstein, 1991).

Management cannot stand by unconcerned, as harassment harms the productivity, dignity and well-being of individual men and women and their work groups, and is likely to affect company morale in general (Prekel, 1989). If the psychological, social, and physical effects on harassment victims do not create sufficient interest for intervention, the economic costs of harassment must (Carbonell et al., 1990).

15. SEXUAL HARASSMENT AND THE LAW

The law of sexual harassment evolves continually on a case-by-case basis as courts confront the difficult questions presented by these cases (Baxter & Hermle, 1989). Because sexual harassment has appeared so much a part of the normal and expectable behaviour between the sexes, the law has fallen short of women's needs and aspirations in similar ways (MacKinnon, 1979).

Four types of law are potentially applicable to sexual harassment at work, namely equal opportunity law, labour law, tort law and criminal law. In some countries, (Australia, Canada, Ireland, New Zealand, United Kingdom, United States), sexual harassment law is well developed either by statute or case law, and recognised as a legally distinct type of prohibited activity. In the countries cited above, the equal opportunities law is applicable to sexual harassment. In three other countries (France, Spain, Sweden), there are either labour or penal statutes which expressly address sexual harassment as a prohibited activity, although to date there have been no court cases interpreting these laws.

In a number of other countries, there have been court cases which have reprimanded conduct that can be clearly characterised as sexual harassment, but these court cases have dealt with sexual harassment under legislation of general application, such as labour laws dealing with employment contracts, most often in the context of unfair dismissal. In other instances, court cases have addressed sexual harassment through application of tort law or criminal law. In those countries which do not have laws which explicitly address sexual harassment as a legally distinct type of prohibited activity, either by an express reference in a statute or by court interpretation, the approach can be described as hesitant, because the question of sexual advances among persons in the same workplace is considered a delicate and sensitive issue.

In a significant number of countries there are equal opportunities laws, labour laws, tort laws or criminal laws which potentially could be applicable to sexual

harassment, but which have not been applied to date in the framework of court decisions.

Sexual harassment law began its modern development in the mid 1970's in the United States with a great deal of hesitation. Five of the first seven cases that considered the question found that the sex discrimination statute, which had been adopted into law in 1964, did not cover cases of sexual harassment. The initial cases, which concluded that sexual harassment by male supervisors of female subordinates was not a form of sex discrimination, reasoned that the conduct complained of reflected a "personal proclivity, peculiarity or mannerism of the supervisor" rather than discrimination based on sex; was based on sexual attractiveness, and not gender; and that sexual advances were not employment related and that the law was not designed to "hold an employer liable for what is essentially the isolated and unauthorised sex misconduct of one employee to another". American federal judges were also initially reluctant to apply the sex discrimination law to what was considered a personal problem between employees because they feared that it would lead to a flood of legal actions.

Finally, in 1977, the conflict in the American district federal courts was settled when a federal court of appeals determined that quid pro quo sexual harassment did indeed constitute sex discrimination, reasoning that "but for her womanhood... her participation in sexual activity would never have been solicited. ...She became the target of her superior's sexual desires because she was a woman, and was asked to bow to his demands as the price for holding her job".

In 1981, in another decision by a federal court of appeals, hostile environment sexual harassment was also recognised as a form of sex discrimination. The court asked, "How... can sexual harassment, which injects the most demeaning sexual stereotypes into the general work environment and which always represents an intentional assault on an individual's innermost privacy, not be illegal?" (Conditions of work digest, 1992). Today some of those lawsuits have been successful, establishing legal precedence which defines harassment not as an individual problem, but as a condition of employment which makes sexual compliance a "job retention condition". These legal decisions recognise that sexual advances can be

coercive and can have economic consequences: either go along in a friendly manner with the sexual suggestions, laugh at sexual jokes or innuendoes, or lose a chance for a job, a promotion, be fired or quit (Stanko, 1985).

The theme that sexual harassment is a personal problem runs through many of the court decisions. Another revealing side issue is the concern that a decision for the women would create a "potential lawsuit every time any employee made amorous or sexually oriented advances toward another and the courts would be burdened".

Two threads run through these statements. One is that women are petty creatures who, if given the opportunity, will bring a lawsuit any time an employer asks one of them out to dinner. This is a rather remarkable conclusion considering that none of the women in question was in court because she had been asked to dinner. Each was there because she lost her job for refusing to have sexual relations with her supervisor. The other thread is that women are vicious and would falsely accuse an employer "if a once harmonious relationship turned sour". This recalls the often-heard assertion that a rape victim is just a woman who changed her mind. The desire of the courts is to protect men from the hypothetical vengeance of women, even though the evidence before the courts concerns the very real vengeance of men upon women who have refused them. In sexual harassment, as in rape, the courts protect men from their victims (Chapman et al., 1978).

In harassment lawsuits the woman's **credibility** is the most important issue. This is one of the strong parallels between sexual harassment and rape cases. The most difficult fact to prove is that harassment occurred. The presumption is that it didn't. Unless convinced otherwise, judges and jurors believe that the woman encouraged or co-operated with the sexual advances or propositions and that her complaint is based on dissatisfaction with the termination of the affair in which she was a willing participant. This attitude is a reflection of the stereotype of women as sex objects. The testimony of witnesses and supportive co-workers is crucial in overcoming this stereotype (Clarke, 1982).

In general, courts have defined **two types** of sexual harassment:

- (1) **Quid pro quo** cases, in which a supervisor demands submission to sexual advances as an explicit or implicit term or condition of employment; and
- (2) **hostile environment** cases, in which a supervisor either creates or condones unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature (Baxter et al., 1989).

A limited number of countries has, either by statute or court decision, endorsed both the quid pro quo theory of sexual harassment as well as the hostile environment theory (Australia, Canada, New Zealand, Switzerland, United Kingdom, United States) (Conditions of work digest, 1992).

Subsequent court decisions have established basic harassment principles. The harassing conduct must be sexual in nature to be actionable, although the type of conduct can vary, and need not be amorous or involve a request for sexual favours. The conduct also must be unwelcome; consensual sexual conduct does not constitute unlawful harassment (Baxter et al., 1989). Acceptance or rejection of the sexual advances or requests become the basis of a decision affecting the person's employment (Conrad et al., 1988).

The question then is how to determine if certain sexually oriented conduct is unwelcome; and from whose perspective, that of the reasonable man or that of the reasonable woman? With respect to the issue of unwelcome conduct, the formulation that is typically given by statute or court decision is that sexual harassment refers to actions that an individual knows or ought to reasonably know are unwelcome.

It is clear that some forms of conduct are unwelcome by their nature, e.g. sexist epithets, physical violence or touching of intimate parts of the body. The welcomeness of other conduct, such as a social invitation, is less obvious because the conduct is not inherently offensive and because the reaction can be ambiguous. Therefore, anything less than a clear rejection of sexual advances or a clear

objection to offensive sexual behaviour will create problems for a potential complainant. Ambiguous conduct particularly if it is in the context of someone with whom the complainant has had a prior relationship, may make a complaint of sexual harassment difficult, if not impossible, to prove because of a lack of persuasive evidence on the issue of unwelcomeness.

Another key issue is from whose point of view should the question of welcomeness be viewed: the reasonable man or the reasonable woman? Most courts which have addressed this issue have favoured the reasonable woman (as opposed to a totally subjective standard of the individual female complainant's perspective), reasoning that men and women often perceive and appreciate sexual conduct differently, and that the reasonable woman's perception should be used since it is women who suffer principally from sexual harassment (Conditions of work digest, 1992).

Sexual harassment is not illegal in South Africa, but it does constitute an **unfair labour practice** in terms of the Labour Relations Act. Victims have three routes of redress. If the abuse was sufficiently serious, they could lay a criminal charge and take the harasser to court (Levy, 1994). The second option is a civil complaint, but this is usually very expensive and, it is difficult to quantify the damages suffered. The third option is South Africa's industrial court. In its groundbreaking 1989 decision it ruled that an employer undoubtedly has the responsibility to ensure that its employees are not subjected to this form of violation within the work-place.

The breadth of South African court's unfair labour practice jurisdiction means that the court can find that sexual harassment is an unfair labour practice without needing to rule that it amounts to sexual discrimination (Dancaster, 1991).

At least **three broad categories** of conduct can be identified that generally lead to a legal finding of sexual harassment. First, liability invariably follows when allegations of quid pro quo sexual harassment are proven. Demands for sex acts in exchange for job benefits are the most blatant of all forms of sexual harassment. In addition, when a job benefit is denied because of an employee's refusal to submit to the sexual demand, a tangible or economic loss is readily established.

Second, courts frequently conclude sexual harassment exists when the offending conduct was intentionally directed at an employee because of the employee's sex, was excessively beyond the bounds of job requirements, and detracted from the actual accomplishment of the job. When such conduct becomes so pervasive that the offending employee's attention is no longer focused on job responsibilities and when significant time and effort are diverted from work assignments to engage in the harassing conduct, courts have concluded that sexual harassment exists.

The third category of finding sexual harassment generally results from conduct or statements reflecting a belief that women employees are inferior by reason of their sex or that women have no rightful place in the work force (Carbonell et al., 1990).

Only three sexual harassment cases have been brought before the industrial court. All originated as allegations of unfair dismissal (Levy, 1994).

15.1 Constructive discharge

An employee who is subjected to sexual harassment and who resigns her job may allege that she was constructively discharged. Pursuant to the doctrine, a resignation of an employment position will be considered a discharge by the employer if the employee resigned (a) because of intolerable working conditions, (b) caused by unlawful discrimination or unlawful acts on the part of the employer, (c) which a reasonable person would feel compelled such person to resign. An employer's failure to take prompt corrective action when it becomes aware of sexual harassment may contribute to a finding of constructive discharge. However, where the court finds that a reasonable person would not have felt compelled to resign, claims of constructive discharge will not be upheld (Baxter et al., 1989).

15.2 Remedies Available to Victims

Women who are sexually harassed at work and who are unable to tackle the problem within their work-place may find a remedy by taking **legal action** against their harasser. Important as this option is, it offers a solution in only a minority of cases. The law is a blunt instrument since it can only deal with cases which clearly fall within the terms of reference of the relevant act. For some types of sexual

harassment, such as whistling or displaying soft porn, the law offers no remedy. Despite these limitations, the law can offer a remedy in extreme situations where no other form of action is available (Hadjifatiou, 1983).

Damages resulting from sexual harassment can be twofold, namely damages resulting from impairment of the victim's dignitas and financial loss resulting from lost opportunities or employment.

To recover damages the victim of sexual harassment in South Africa has **four possible remedies**.

The most obvious is a **contractual remedy** based on the contract existing between the employer and employee. The right to terminate a contract is a right conferred by law upon the aggrieved party only in the event of a serious breach of contract. The question will be whether the sexual harassment can be seen as conduct sufficiently serious to invoke the right to terminate the contract. The position in South Africa is not quite so clear in terms of constructive dismissal.

Relief available to a victim of breach of contract is reinstatement and/or the award of damages. The relief is insufficient, however, in that only actual losses can be recovered and damages for emotional pain and suffering are not included. Furthermore, it is doubtful whether a victim of sexual harassment who is reinstated would have any better security after her return (Rademan, 1990).

* A victim of sexual harassment may also seek redress in terms of the criminal law or by way of a **civil action** (or both) depending on the nature of the relief sought. Under criminal law, the sexual harassment may fall under one of the categories of crimes against bodily integrity such as assault, rape, or indecent assault. It may also constitute the crime of extortion where for instance sexual harassment occurs within the threat of dismissal for "non-compliance" by the victim. ~~It may also constitute a crime against dignity and reputation such as crimen injuria (Dancaster, 1991).~~ Before a conviction is possible, however, it must be proved that the accused knew that his advances were unwanted, that they lacked the consent of the complainant (Campanella & Brassey, 1994). * This is a long, difficult and painful

process with no guarantee of a successful outcome. ~~Victims may find themselves in the dock, required to defend and explain their own behaviour.~~

A third avenue to the victim would be to recover damages under the delictual heading of *iniuria*. Sexual harassment, irrespective of what kind, would constitute intentional infliction on the person of the employee or impairment to the dignitas. ~~As such, a claim for compensation including patrimonial damages, may succeed under the actio iniuriarum. The concept of dignitas is wide enough to cover the different forms of harassment.~~

However, in the employer-employee relationship the most obvious relief available to the victim, is our legal system's alternative to the anti-discrimination legislation found in Britain and America, namely the **"unfair labour practice"** concept created in the Labour Relations Act. In determining an unfair labour practice the court will take into consideration the concept of fairness and is not limited to the question of lawfulness (Rademan, 1990).

As in any other case, a plaintiff in a sexual harassment case has the burden of proving damages. These damages are determined by measuring the difference between actual earnings for the period and those which she would have earned absent the discrimination by defendant. If the employee has suffered no loss of income, job title, or status, the employer may simply be directed to cease and desist from the unlawful conduct (Baxter et al., 1989). Damages are problematic in an offensive environment case where, by definition, the victim suffers no loss of job benefit. Injunctive relief which could address the need for the institution to bring grievance procedures into line may be the most significant remedy (Paludi, 1990).

Other remedies may also be ordered. These may include:

- That the employer will amend its employment policies to clearly state that sexual harassment is prohibited.
- That the employer will re-emphasise its policies to supervisors who must sign an acknowledgement that they have read and understood the policies.

- That the plaintiff will not be penalised for instituting proceedings and that future employers will not be advised of them.
- That the employer will expunge from the employee's personnel file any information relating to the facts and circumstances of the harassment charge and proceedings (Baxter et al., 1989).

The damages that could be recovered in delict may not fully compensate the victim for lost employment or promotion opportunities, or some other less tangible assets. This relief may, however, be claimable in terms of the "unfair labour practice" definition in the Labour Relations Act (Dancaster, 1991).

At best the law offers limited protection and redress to victims of sexual harassment. Moreover, it is the powerless that have the least access to redress in the courts as the process is often time-consuming, expensive and alienating.

A useful parallel could be drawn between racial and sexual harassment to point to the advantages that have been gained through establishing rules of appropriate conduct around racial tensions in the workplace. A similar approach should be adopted with regard to sexual harassment. Explicit guidelines around sexual harassment, by making it clear what behaviour constitutes sexual harassment and that such behaviour is unacceptable, could encourage the labelling and reporting of inappropriate sexual conduct in the workplace. Rules localised in the workplace, and supported by legislation expressly outlawing such behaviour, could act as a deterrent to perpetrators, as well as an encouragement to victims to report such actions.

This need to be supplemented with training and education. It has already been argued that sexual harassment is often regarded as normal and acceptable behaviour. It is this attitude that needs to be addressed if sexual harassment is to be effectively dealt with. Changing accepted ways of co-workers and managers and workers relating to one another cannot only be done with rules. A more successful approach is through education and training (Bazilli, 1991).

15.3 Labour Relations Act

No legal definition of sexual harassment exists in South Africa. It is a wrong which can presently be redressed by the appropriate criminal sanction or civil action. The concept of sexual harassment is covered under the criminal law by such crimes as rape, through indecent assault, extortion to *crimen injuria*. Civilly, a victim of sexual harassment may also be entitled to recover damages under the delictual head of *injuria*.

In the case of *J v M Ltd*, this seems to be endorsed as it is argued that sexual harassment 'violates that right to integrity of body and personality which belongs to every person and which is protected in our legal system both criminally and civilly'. This is different, although not contradictory, from the view that sexual harassment is a form of sexual discrimination. Mowatt recognises the limitations of this approach in relation to the workplace:

Criminal or civil redress is obviously punishment of the offender, or damages for past wrongs but it essentially fails to compensate the victim for the harm suffered in terms of her work environment. Although justice is done, the woman may have lost her employment, or promotion opportunity, or some other tangible asset (Bazilli, 1991).

In the employer-employee relationship this issue can be addressed by the "**unfair labour practice**" concept contained in the Labour Relations Act (Rademan, 1990).

While the recently repealed definition explicitly referred to discrimination on grounds of sex, there is ample scope in the new definition to ground a case of sexual harassment (Dancaster, 1991). The definition begins with a general description defining an unfair labour practice as any act or omission which in an unfair manner, infringes or impairs the labour relations between an employer and employee.

Paragraph (a) of the definition makes the dismissing of employees by reason of disciplinary action without a valid and fair reason and without compliance with a fair procedure, an unfair labour practice. Actions on the part of the employer which drive the employee to leave, as is usually the case with sexual harassment, will

amount to constructive dismissal and where the dismissal was ostensibly for disciplinary reasons, paragraph (a) may be applicable.

Paragraph (b) of the definition, dealing with termination of a service contract on grounds other than those of a disciplinary nature, requires compliance with the terms of the contract of service, as well as prior notice of termination and prior consultation regarding the termination with the employer or trade union in order to prevent the commission of an unfair labour practice. In the case of the termination of the employment contract of a victim of sexual harassment, these requirements may serve as a preventative measure against termination on ostensibly lawful grounds.

Paragraph (1) is of particular importance in that it makes unfair discrimination on, inter alia, grounds of sex an unfair labour practice. In this regard, while acknowledging the basic differences between our legal system and those of Britain and America, the case law in these countries, where sexual harassment is regarded as a form of sex discrimination, may provide helpful guidance to the industrial court in the development of the unfair labour practice concept. According to the Act not all forms of sex discrimination will amount to an "unfair labour practice" and only unfair sex discrimination will be targeted as "unfair labour practice".

The definition concludes with an omnibus clause. The paragraph provides, in part, that any labour practice or any change in any labour practice which has the effect that the employment opportunities or work security of an employee may be prejudiced or jeopardised and that the relationship between employer and employee is or may be detrimentally affected thereby shall constitute an unfair labour practice (Rademan, 1990).

J v M Ltd, the first reported case of sexual harassment in South Africa, was heard in the industrial court in February 1989. The applicant sexually harassed another complainant, a much older woman, by caressing and/or slapping her buttocks and fondling her breasts. She found his behaviour offensive and told him not to come near her. Eventually she told him to remain on the other side of the desk whenever he entered the office (Bazilli, 1991). In this case, the industrial court condemned

sexual harassment in the work-place in very strong terms and held that an employer has a duty to ensure as well as a personal interest in ensuring that its employees are not subjected to violations of this nature within the work-place (Rademan, 1990). In addition, it appears that the court was also persuaded by a concern that 'it should be careful not simply to substitute its (the court's) own assessment for that of the employer'. It is argued that 'the standard of conduct which an employer expects from its employees... is a clear management prerogative'. The company's 'most senior executives' had decided that the applicant's conduct had 'fallen short of what is regarded as acceptable behaviour'. He had been warned of this several times and finally dismissed. The court found that there was 'no basis' on which to find the 'judgement' of the company 'clearly unfair or unreasonable'. While *J v M Ltd* did deal with sexual harassment it was both unusual and ironic that it did so, not in the context of a victim of sexual harassment seeking reinstatement, protection, or compensation, but of a perpetrator seeking relief from sanction (Bazilli, 1991).

The court's reference to an "intimidating, hostile and offensive work environment" in this case also indicates that our courts may follow the American example in recognising the "hostile environment" cause of action and not only "quid pro quo" harassment (Dancaster, 1991). Thus, there can be no doubt that sexual harassment can amount to unfair sex discrimination in the context of the provisions of the Act (Rademan 1990).

In the absence of a legal definition of sexual harassment it certainly raises the question of how willing the court would be to find a harasser guilty of sexual harassment if he engages in 'less serious' forms of it, particularly those that do not involve any physical contact. There are, however, other fundamental criticisms of the approach. The first is that the industrial court only offers protection and relief to those people already in employment. The unfair labour practice concept does not include people *applying* for employment. The EEOC guidelines in the US specifically recognise that this category of person may be especially vulnerable to sexual harassment and explicitly prohibit employers from engaging in it.

Finally, one problem in regarding sexual harassment as an "unfair labour practice" is the relief which the victim may obtain. Prior to the 1988 amendments of the Labour

Relations Act, the industrial court could only instruct an employer to 'cease an unfair labour practice', or to 'restore the position to that which prevailed before the introduction of the unfair labour practice'. In addition, the industrial court could not 'award ... damages for ... humiliation suffered or for lost promotion opportunities'. Therefore, while the industrial court could provide a 'remedy' for sexual harassment, the relief is relatively ineffective.

With the 1988 amendments this situation has been addressed. Expressly included in Section 46(9) is the provision that the industrial court may order 'compensation'; that is 'to order the payment of "the value estimated in money, of something lost"'. Under this provision claims for lost promotion opportunities, as well as humiliation or mental anguish, could be submitted (Bazilli, 1991).

For a victim to refer a sexual harassment dispute to the industrial court for final determination may be a lengthy process. Before the victim can approach the industrial court she must have referred the dispute to an industrial council with jurisdiction, or, where no such council exists, must have applied for the establishment of a conciliation board. Only if the abovementioned bodies were not able to settle the dispute would she be able to approach the industrial court. These delays could prejudice a party and therefore section 17 (11)(a) of the Act provides for the granting of urgent interim relief and section 43 of the Act provides for granting of a so-called "status quo" order. The latter will also amount to temporary relief and can compel the other party to maintain the status quo until the dispute is resolved by the court. In practice, a status quo order will amount to the retrospective reinstatement of the victim (Rademan, 1990).

The judgement offered by *J v M Ltd*, however, remains significant. Within the limitations already explored, the industrial court sounded a firm warning to employers that sexual harassment would not be tolerated. Moreover, it was argued that it was an *employer's responsibility* to see that it did not occur. Particular significance is attached to this in a case note on *J v M Ltd*. Employers are 'advised' to 'take immediate appropriate action' if an allegation of sexual harassment is brought to their attention, as failure to do so could lead to an allegation of the employer committing an unfair labour practice. In addition, the failure to act could

possibly be regarded as constituting breach of contract or form the basis for other common law liabilities.

While these points are made explicitly in the judgement given, there are, however, some aspects to the judgement that give cause to concern. The first is the stress placed on conduct within the workplace being 'a clear management prerogative'. It is clear in South Africa, as elsewhere, that management structures are dominated by men. Konrad and Gutek, in their study, demonstrated that men are less willing than women to both identify sexual behaviour in the workplace as sexual harassment and to see it as a serious issue. In this context it does not seem adequate to place the responsibility of dealing with sexual harassment with this group of people. This approach, at the very least, begs the question of what would happen if employees labelled particular behaviour as sexual harassment, while management did not. De Kock's judgement suggests that the industrial court might, in such an instance, find in favour of management and not offer relief to the victims.

Secondly, throughout his judgement, De Kock is at pains to stress that the social code of conduct he is referring to is part of western culture:

This case concerns relations between people who belong to the Western culture. In Western culture one expects gentlemanly conduct. Sexual harassment is unacceptable at any level in Western society. No warning or counselling is required and certainly not at senior management level.

These are obvious problems with his stereotyped understanding of acceptable roles for men and women, and the fact that 'gentlemanly conduct' can in his view include firing ex-mistresses. The cause for particular concern, however, is that in a multi-cultural society like South Africa the implication is that in some cultures sexual harassment is acceptable. All employees, whatever their cultural background, deserve protection in the workplace from harassers. For the industrial court to suggest otherwise is to render women in particular, but all employees in general not from a 'western culture', vulnerable to sexual harassment, and denies them the full protection they are entitled to by the court.

All of these suggest that what is needed within the 'unfair labour practice' code is an explicit definition of what constitutes sexual harassment. In other words, while it should remain an employers' responsibility to see that sexual harassment does not occur in the workplace, it should not be their prerogative to define it. Such a process would afford much greater protection to employees and encourage the reporting of such acts (Bazilli, 1991).

It appears from the decisions that the industrial court, in line with the approach adopted in the UK and USA, will regard both quid pro quo harassment and hostile work environment harassment as unacceptable. (Louw, 1991).

It is suggested that the courts should outline clear policy regarding sexual harassment in order to prevent such behaviour. However, the judiciary alone cannot remedy the problem of sexual harassment in terms of the existing law. The legislator will have to intervene to provide sufficient compensation for victims, including damages for non-patrimonial loss. In this regard British legislation may provide helpful guidelines not only with regard to compensation but also with regard to the possible creation of a body with functions like those of the Equal Opportunities Commission, that can issue a Code of Practice compelling the drafting and enforcement by employers of a specific anti-sexual harassment policy (Rademan, 1990).

After the completion of this dissertation the new Labour Relations Act (Act 66 of 1995) will come into operation on 11 November 1996. Although the scope of the Act is extended to include virtually all employees (e.g. domestic workers) and contains a number of fresh participative mechanisms, the basic approach for the purpose hereof appears to be the same. References to specific clauses will therefore have to be adapted in the years to come. The practical unfolding of the new Act is at this stage still speculative, and one can only hope that the issue of sexual harassment will be addressed more effectively in the new dispensation.

15.4 *Employer liability*

One of the most significant and complex issues in harassment cases today is the extent to which an employer will be liable for the harassment of its employees. Employees contend that their employers should be held responsible. Employers, on the other hand, argue vigorously that they should not be held responsible for sexual harassment of their employees. They put forward several arguments:

- It is a personal affair between the two persons and the company cannot control sexual relations between two adults.
- The employer never encourages or advocates sexual harassment or, in fact, any kind of harassment of employees.
- The company has no way of knowing what has been going on between two employees.
- There is no way an employer can control or interfere with the private or personal lives of its employees (Aggarwal, 1987).

Whether an employer is held liable for alleged sexual harassment will depend on a variety of factual and legal issues. The court hold the employer responsible for its supervisor's harassment, even if the employer did not have knowledge of the offensive conduct. The court reason that an employer's delegation of sufficient authority to hire, promote, or fire, or even the appearance of influence in such decisions, carries power to coerce or intimidate employees (Baxter et al., 1989). In cases where channels of complaint are inadequate, the employers can also be held liable - even if they had no knowledge of the act of sexual harassment taking place (Levy, 1994).

There are **three instances** where an **employer who did not actually commit the act may be sued**:

- (a) Where the employer knows that the act was being committed and was negligent in taking or failing to take action to prevent it. Here the employer is personally liable.

- (b) An employer is vicariously liable for the delict of an employee whose acts occur within the course and scope of employment. This will be the case where an act is authorised by the employer, or where an unauthorised act is so closely connected with authorised acts that it may properly be regarded as a mode, although improper, of doing them.

It is unlikely that sexual harassment would ever be authorised by an employer. However, in determining employer liability for unauthorised acts, one would have to ask what the employer's object was, and whether that object could be achieved without a substantial risk of the servant's committing a wrong such as sexual harassment. Where all common experience shows that there is a substantial risk of certain kinds of wrong being committed in attempting to achieve the employer's purpose, the employer should be liable for wrongs of that kind.

- (c) Finally, an employer's liability may be extended on the **principles of agency** to include those in a supervisory capacity (Dancaster, 1991). Agency principles provide that an employer is subject to liability for the wrongful acts of employees committed while acting in the scope of their employment (Baxter et al., 1989). Where the power delegated to the supervisor includes the right to hire or fire, or generally to judge the employee's performance, the supervisory employee may abuse the power in order to obtain sexual favours. The employer would be liable to the harassed employee on the principles of the law of agency (Dancaster, 1991).

The court reject the argument that an employer is automatically insulated from liability by the existence of a policy against sexual harassment and a grievance procedure. But having appropriate policies and procedures are very important (Baxter et al., 1989). The existence of a policy seems to heighten awareness and indicate concern on the part of the employer (Woerner & Oswald, 1990). If an employer in any situation of sexual harassment can show that there is a formal policy against such behaviour on the part of supervisors or employees, that there is an established grievance procedure, that this procedure functions objectively and fairly promptly in responding to complaints, that action is taken against an employee or supervisor who violates the company policy prohibition, it is very unlikely that any

court would sustain a finding of employer liability. If, however, the policy or grievance procedures break down at any level of implementation, liability may well be found as the court looks to the effectiveness of policy implementation (Pepper et al., 1981). The suggestion is that the sexual harassment policy should not be buried within a general non-discrimination policy, and that the grievance procedure should provide a mechanism for employees to take complaints to someone other than their immediate supervisors. Neither the absence of notice of the harassment, nor the failure of an employee to use internal grievance procedures, will automatically insulate the employer from liability.

An employer can present a more convincing case if it can show that a policy existed, that the policy was widely publicised, that it was utilised by employees, that the procedures provided for confidential investigation by someone outside of the employee's own department, and that the grievant failed to use the procedures before seeking redress from an outside agency or court. To the degree that an employer can also show that other sexual harassment cases were investigated and equitably handled, such evidence may help in persuading a court that it would be unfair to hold the company liable in the absence of an opportunity to remedy the situation.

A different approach may be necessary in **quid pro quo** cases than in hostile environment settings. The former, which concerns benefits granted or withheld, necessarily involves management or supervisory participation (Baxter et al., 1989). The tendency has been to adopt a strict liability approach to quid pro quo violations. The reason is that the employer granted the manager or supervisor the power to control terms, conditions and privileges of employment, which made the demanded pay-off possible. The employer is therefore held liable for the abuse of that power (Louw, 1991). Actual employer knowledge and action exists in such situations and employers can more appropriately be held liable.

In **hostile environment** settings, several questions should be asked:

- Who committed the alleged harassment? Was it a supervisor, co-worker, or non-employee?

- What was the nature of the conduct?
- What evidence is there that the employer knew or should have known about the harassment?
- What complaints were made?

The reason why opinion is divided as to the scope of employer liability in the hostile environment situation is that the employer has not delegated some authority, such as the ability to promote, hire or fire, which makes the harassing conduct possible. The problem with this line of reasoning is that it ignores the fact that managers and supervisors do not only distribute employment benefits, but also structure the work environment (Louw, 1991).

The more "subtle" the behaviour or comments in a hostile environment case, the more difficult it is to attribute knowledge to the employer in the absence of any specific complaint. If the behaviour could be interpreted as innocent or joking, a plaintiff may have difficulty arguing that it was so "pervasive" that the employer should have realised harassment existed, especially if the behaviour involves co-workers rather than supervisors. On the other hand, when conduct is severe and widespread, it is more reasonable to assume that the employer either had actual knowledge or, in the exercise of reasonable care, should have been aware of what was going on in the work-place. In such circumstances, even if an employee does not complain, an employer may be informed through other means (Baxter et al., 1989).

Liability depends on a close analysis of the individual facts of each particular situation, as well as these general **principles**:

- Whether or not the employer had **notice** of the harassment. Without notice, liability will likely not attach. Notice may be actual (an employee's complaint) or constructive (the employer is not actually told, but the circumstances are such that the employer should have known of the harassment) (anything there is to see or there to hear, and therefore should have been noticed by the employer).

- **What the employer does** about the sexual harassing activity once it comes to the company's attention. If the employer investigated and resolved the situation appropriately within a reasonable period of time, liability may be considerably lessened, and in some circumstances, it may be eliminated altogether.
- Whether or not the employer has developed and communicated a strong **policy** prohibiting sexual harassment and has provided an effective procedure for bringing harassment concerns to the company's attention. While a policy and procedures statement will not insulate an employer from potential liability, it does help establish good faith.
- **The identity of the harasser.** If the alleged harasser is not a supervisory employee, liability attaches only if an employer who had actual or constructive knowledge fails to respond with prompt and effective action to address the harassment situation (Wagner, 1992).

To hold the employer responsible for sexual harassment by its **supervisory personnel**, the plaintiff must establish that the sexual advances of the supervisor were a condition of employment and they were not personal, non-employment related encounters. Further, an employer can be held responsible if the employer had an actual or constructive knowledge of the supervisor's conduct, through either a direct complaint, knowledge of other supervisory personnel, or an acquiescence in the termination or job-related consequences. The following **criteria** are generally taken into consideration while determining the level of an employer's liability for sexual harassment caused by its **supervisor**:

- When the offensive conduct contravened company policy; it occurred with the employer's knowledge and the consequences were not rectified when discovered.
- It requires the employee to show that the employer had actual or constructive knowledge of the harassment at the time of its occurrence.
- When the employer fails to investigate and appropriately deal with a claim of sexual harassment (Aggarwal, 1987).

Employers may be liable for sexual harassment inflicted upon an employee by a **non-supervisory co-worker**. An employee would have a difficult time making a case of quid pro quo harassment, because a co-worker is not typically in a position of power, and therefore not in a position to offer the bargain in an expressed or implied way. In that more commonly encountered situation where the offensive work environment is caused by a co-worker, no automatic institutional liability attaches (Paludi, 1990). Such liability will exist, however, only if the employer (or its supervisory employees) (a) knew or should have known of the offending conduct and (b) failed to take immediate and appropriate corrective action. (The term "conditions of employment" include the quality of the work-place environment). (Baxter et al., 1989). An employer with no knowledge of the co-employee's conduct, and who could not reasonably have foreseen such conduct, will not be held liable (Louw, 1991). An employer has a positive duty to maintain a work-place free from sexual harassment. Thus, if an employer knows or should have known of an action, he is in effect condoning the harassment by its non-supervisory employees. In cases alleging sexual harassment perpetrated by **co-workers**, notice to the employer is a critical element. The employer can avoid liability by showing that it took appropriate action to remedy the situation (Aggarwal, 1987).

Under certain circumstances, an employer may be liable for sexual harassment of its employees by **its customers, contractors, or other non-employees**. For the employer to be liable for sexual harassment by non-employees **three conditions** must exist:

1. The employer must have notice of the offensive conduct.
2. The employer must be in a position to control the offending conduct.
3. The employer must fail to take immediate and appropriate corrective action (Baxter et al., 1989).

Thus, the employer's liability for non-employee sexual harassment is determined on the basis of the total facts and circumstances in each case, including employer knowledge, corrective action, control, and other legal responsibility. It seems clear that the employer has a duty to take corrective steps when an employee complains

of sexual harassment by clients, customers and other members of the general public (Aggarwal, 1987).

What does immediate and appropriate corrective action entail? Although the employer clearly has a duty to conduct an investigation once it receives a complaint of sexual harassment, what the investigation must entail will depend on the facts and circumstances of the situation. Unless the claim is patently frivolous, the employer should make as detailed an inquiry into the facts surrounding the complaint as is necessary to reach a businesslike conclusion. It is clear that "appropriate corrective action" does not merely mean going through the motions of trying to prevent or put an end to sexual harassment. The employer should consider steps it can take to protect against a recurrence of the sexual harassment by the offending employee. The employer has only to show it has made a prudent and good faith effort to determine the objective facts surrounding the complaint (Baxter et al., 1989).

Although the precise response may differ, the basic principle that an employer is responsible for sexual harassment both when it affirmatively engages in harassment and when it tolerates harassment by not acting to prevent and remedy it, remains the same. However, in order to establish the employer's liability the complainant must prove:

- The employer knew (or should have known) of the harassment.
- The employer failed to take reasonable measures to prevent or remedy the harassment.
- The harassment affected the employee's term or condition of employment because it was sufficiently pervasive and severe to create an offensive working environment.

Employer Liability to the Alleged Harassers

One dilemma of sexual harassment cases is that an employer faces a potential lawsuit from the harassment victim if inadequate remedial action is taken, and another lawsuit from the "harasser" if that person regards the discipline as too

severe or the allegations of sexual harassment are found false. Without adequate internal procedures and investigation methods, an employee who is unjustly terminated for alleged sexual harassment may have a legal cause for action against the employing corporation.

An employer must consider each charge of sexual harassment seriously and with caution. The charge of sexual harassment is a personal matter which has the power to jeopardise a person's professional reputation, job assignments and family relationships. A person who is wrongfully accused or punished for sexual harassment suffers the same righteous indignation felt by an innocent, yet indicted corporate thief (Aggarwal, 1987).

Claims brought by the accused harasser often allege wrongful discharge, defamation, intentional and/or negligent infliction of emotional distress, and interference with or breach of contract or economic advantage. Employers may be liable for defamatory statements made regarding the alleged harasser in the course of the investigation. To create **liability for defamation** there must be:

- (a) an untrue statement tending to harm the reputation of another person;
- (b) communication to persons who do not have a legitimate business need for the information; and
- (c) fault amounting to at least negligence because the person making the statement knew it was false, or failed to determine its truth or falsity.

An employer may defend against an action for defamation by demonstrating that one of the necessary elements is not met (Baxter et al., 1989).

It is the employer's responsibility, therefore, to protect both the sexually harassed and the falsely-accused sexual harasser. Both have a right to a fair hearing. An employer who immediately takes the complainant's side and passes judgement prematurely upon the alleged harasser may find itself faced with a court action (Aggarwal, 1987).

15.5 Conclusion

Perhaps more important than the type of law upon which the prohibition of sexual harassment is based, is the fundamental recognition by a national legal system of sexual harassment as a legally distinct type of prohibited activity. If adequate comprehensive protection is to be provided to victims of sexual harassment at work, then it is elementary that sexual harassment as a distinct wrongful act must be recognised.

Ideally, this would involve the adoption of a comprehensive statutory scheme where sexual harassment would be defined; the scope of legal protection would be defined; liability of the employer and alleged harasser would be made explicit; the sanctions and remedies would be clear; the procedures applicable would be specified, including adoption of any special rules to ensure that a complainant's sexual reputation or history was not put into question; and institutional assistance to victims of sexual harassment would be extended (Conditions of work digest, 1992).

16. MANAGEMENT'S RESPONSIBILITY

Sexual harassment is inappropriate behaviour. It undermines the dignity of workers and creates a hostile and offensive working environment. Merely dealing with complaints of sexual harassment on an ad hoc basis as and when they occur is unlikely to be an effective way of solving the problem. What employers need to do is to develop policies and procedures aimed at preventing sexual harassment from occurring and at ensuring that, if it does occur, it does not recur (Rubenstein, 1991).

The reasons management give for not dealing with actual or potential sexual harassment situations are varied. Since few managers intentionally condone sexual harassment, it is useful to know some of the reasons they give for allowing it to continue:

- It appears to be a personality conflict or a soured social relationship.
- If I ignore it the situation will resolve itself.
- I do or have done similar behaviour.
- Sex is embarrassing to talk about.
- I don't like conflict.
- I could make the situation worse.
- I won't get support from my management.
- I am, or the sexual harasser is, about to retire.
- It is easier to ignore the sexual harassment than to enforce corrective action against the harasser(s).

It is important management understand that if they were sued for not taking action to stop sexual harassment it is doubtful that any of the above reasons would provide them with an adequate defence (Anderson, 1992).

Sexual harassment is not just an event between two people. The work environment where sexual harassment occurs has a hierarchy, norms, rules, and constraints that profoundly affect the way people behave in that setting. In particular, the formal rules and informal norms of managers affect everyone in the work group: the managers, their subordinates, their subordinates' subordinates. Thus, top management has the power to influence employees' work habits, style of dress, recreational interests, and social behaviour. When top management tolerates or condones sexual harassment of employees, that standard reverberates throughout the organisation.

Managers who will not tolerate or condone obscene remarks, sexual propositions, and the like can substantially reduce the amount of sexual harassment in the workplace. A friendly, pleasant work environment can be created much more effectively through role models than through rules and regulations. Successful non-sexist male managers and supervisors could be visible role models if organisations would call attention to and reward their behaviour, perhaps by featuring them in company newspapers, asking them to make presentations to others, and promoting them (Gutek, 1985).

An employer has a legal obligation to provide a working environment free from sexual harassment. Thus, it has become increasingly necessary that both private and public sector employers develop a clear and precise **"Code of Conduct"** regarding interaction between their male and female employees. The employer, though not a custodian of the moral values and behaviour of its employees, is required to ensure that its female employees can work with respect and dignity.

First, employers should get their own houses in order by **remedying existing** or potentially explosive **problems**; and, secondly, they should take affirmative steps to rid the work-place of sexual harassment through an effective **programme of prevention**. Employers who do not take this opportunity to prevent problems before they arise may ultimately face more serious problems (Aggarwal, 1987).

That management in South Africa is almost exclusively a men's club compounds the problem. Such management may simply shrug off a complaint without realising that

it is a traumatic experience that affects job performance and productivity, and, as a result, women are learning to handle harassment themselves without looking for management support (Broomberg, 1993).

Any organisation committed to eliminating sexual harassment can do it with relatively few resources directed at two key areas: (1) **backing by top management** and (2) incorporation of the change into the organisation's **reward structure**. Any effort at change that lacks the support of top management will be substantially less successful than one with such backing. Furthermore, the rest of the organisation must know that top management backs the change. If organisations want to eliminate sexual harassment, people who assist in the effort should be rewarded. The rationale for considering sexual harassment in the organisation's reward structure is that sexual harassment affects the organisation's productivity and job satisfaction.

The performance review need not deal with sexual harassment as a separate category. Evaluation of harassment might be more productively and efficiently handled in a category on unprofessional conduct. An organisation has a right to expect employees to follow certain standards of conduct, including treating others with respect and dignity and caring for the organisation's resources at their disposal. Since sexual harassment affects the well-being of employees and the productivity of the organisation, the organisation serious about eliminating it will create sanctions against harassment in the reward system (Gutek, 1985).

Employers who make the effort to prevent sexual harassment from occurring can benefit by avoiding a host of potential problems. Because of the high emotionalism usually involved, embarrassment or fear of coming forward, and the lack of witnesses, sexual harassment allegations are often harder to resolve satisfactorily than other employee claims. The sensitive nature of the claim also raises emotions in third-party advisors or influencers, such as spouses, friends, relatives, and co-workers.

Taking steps to prevent sexual harassment before it occurs benefits the organisation in many practical ways as well. Dealing with a sexual harassment

claim may disrupt the work environment, result in unnecessary tension and damaged work relationships, divert time and effort that could otherwise be used for business production, and cost money for legal fees. Prevention is easier, cleaner, and much less expensive. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise the issue of harassment and developing methods to sensitise all concerned (Wagner, 1992). If employers are to protect themselves from the financial and emotional costs of these claims, they must protect their employees. It is not a question of being politically correct, but rather fiscally prudent. To do so, the following steps must be taken (Segal, 1992).

16.1 Policy as Prevention

Preventing sexual harassment from occurring is much less disruptive, much less expensive, and much less time-consuming than investigating and/or litigating these incidents. The single most effective tool in the prevention arsenal is a well-drafted, well-communicated **policy statement** (Wagner, 1992).

A recent survey by human resource consultants at FSA-Contact found that of the 114 companies they approached, only 12 had a formal policy on sexual harassment, and of these seven were owned by international parent companies that extended their own policies world-wide. Approximately half the companies surveyed said they had not found a need for a formal policy and that complaints were handled through the company's normal grievance procedures. Companies that had had complaints of sexual harassment among their employees had regarded these complaints as isolated cases and these had not led to the implementation of any formal policies (Levy, 1994).

The **aim** of the employer policy should be to create a climate at work in which women and men respect one another's human integrity (Rubenstein, 1991). Policies clearly state what is acceptable, expected and unacceptable; thus, if the company does not have a policy that includes sexual harassment, then you as employer leave yourself vulnerable to problems. You have not provided a guideline

against which employees can check their behaviour. Further, there is nothing which states that it is unacceptable; hence, organisationally, the "right" to censure that behaviour is weakened. Finally, you actually have to wait for harassment to occur, thereby putting yourself in a reactive position, whereas the entire situation could have been prevented had a policy been established in the first place (Meyer et al., 1981).

The fear that people express about sexual harassment policies - that such policies will permit, even encourage, **false complaints** against blameless people, is **unfounded**. Research concluded that less than 1 percent of all sexual harassment complaints each year are false. The deep problem is not wrongful accusations against the innocent, but the refusal of the wronged to file any complaint at all. In part, they believe they should handle sexual matters themselves. In part, they hope the problem will go away if they ignore it. In part, they fear retaliation, punishment for stepping out of line. The unreasonable fear about false complaints is also a symptom of the blindness of the powerful to the realities of their own situation. They enjoy its benefits but are unable to see its nature and costs to other people (Paludi et al., 1991).

A well-drafted, carefully thought-out policy statement on sexual harassment can be valuable to an organisation in at least three major ways: (1) as an employee relations tool, (2) as basic education for both managers and employees on the subject of sexual harassment, and (3) as a way of minimising legal liability to the organisation in hostile environment sexual harassment cases (Wagner, 1992).

The following four-step checklist should be used when developing a policy for dealing with incidents of sexual harassment.

1. **Recognise sexual harassment.**

Sexual harassment may take many different forms, thus it is crucial that employers are able to recognise it. The essential elements of sexual harassment include behaviour that is unwanted, frequently coercive, and abusive to the recipient. In recognising sexual harassment, one benchmark might be to

ask: Would you be embarrassed to see your remarks or behaviour written in the local newspaper for your neighbours to see?

2. Establish a means of communicating the complaint.

The employer is held liable for the actions of its supervisors even if it has no knowledge of the sexual harassment. Therefore, the first step to avoid liability is to be informed of the problem. All employees should be told that if they believe they have been subjected to sexual harassment, they may bring their concerns to the attention of either their immediate supervisor, a personnel representative, or such other person that may be designated to handle employee complaints. The employee should be assured that no adverse employment action will be taken for making a report of sexual harassment.

3. Investigate the charge.

Once a report of sexual harassment has been made, the next step is to initiate a prompt, thorough and fair investigation of the matter (Garvey, 1986). A policy should detail the investigation process, including who will investigate complaints and what the process will include (Petrini, 1992).

4. Correct the problem.

Depending upon the findings of the investigation, corrective action must be taken. This can range from counselling the employee to termination, depending on the severity of the case (Garvey, 1986).

Elements of an Effective Policy Statement

Policy statements should contain various combinations of the following elements: (1) a definition of unacceptable employee behaviour, ranging from general misconduct to specific characterisation of sexual harassment; (2) an explicit statement of employer's disapproval of misconduct or sexual harassment; (3) a discussion of the detrimental effects of sexual harassment; and (4) an indication of corrective or disciplinary actions that will be taken when sexual harassment is found to be occurring, ranging from a general statement that action will be taken to specifically stating that offenders may be dismissed (Livingston, 1982). The following elements should be taken into account when developing a policy statement:

- **It is a separate written document.**

Many organisations prefer to include sexual harassment issues as part of a general policy statement on Equal Employment Opportunities, or as part of a policy statement on all forms of harassment in the work-place. One of the reasons usually given is the unwillingness to call "undue" attention to the sensitive area of sexual harassment by breaking it out into a separate topic. Inclusive treatment, however, runs the risk of burying a message employers need to send, and employees want to hear, so that both the employee relations and the legal advantages of the policy are not fully achieved. Of course, a policy statement will not insulate an employer that ignores sexual harassment charges or obvious situations, or that fails to follow its own policies or procedures.

- **It contains a clear definition.**

Make sure that all employees will understand what the law defines as sexual harassment, as well as what incidents the organisation would like brought to its attention (Wagner, 1992). Because no definition will be complete or perfect, the definition may state "sexual harassment includes, but is not limited to". Elements that are in common to most definitions include sexually-based or oriented behaviours that may be expressed in verbal, physical or psychological terms. Also included should be the situational context in which these behaviours are manifested creating sexual harassment. The definition should also show clearly that the victim of sexual harassment may be male or female and that the harasser may be male or female or of the same sex as the victim. It should also be emphasised that sexual harassment may be caused by a person in authority, such as a supervisor, or by a co-worker, or by a non-employee. It must be emphasised that the purpose of the definition is not to constrain normal social interaction between people. However, its purpose is to make individuals aware of certain behaviours and attitudes that may be damaging and unwelcome by other employees, and thus forbid them during and in the course of employment (Aggarwal, 1987).

- **It provides an effective resolution procedure.**

Employers with viable, credible complaint-resolution procedures for other

employee-relations issues should resolve sexual harassment matters in the same way as much as possible. If an employer's internal complaint-resolution mechanisms are non-existent, ignored, or disfunctional, the company needs to consider providing an alternative, effective procedure for sexual harassment situations that is different from the mainstream complaint procedure. The employer should take any steps it can to make it easy and non-threatening for employees to bring sexual harassment concerns to the attention of the organisation.

- **It directs employees to a neutral party.**

To be credible and effective, as well as to provide maximum legal protection to the employer, a company's sexual harassment policy should never direct employees with a claim, a concern, or even a question to their immediate supervisor. Since case law and common sense both tell us that the immediate supervisor is the person most likely to be accused, or to have failed to notice or to have actively ignored evidence of a hostile environment situation, policy statements that send employees to their supervisors for counselling or complaint resolution are viewed unfavourably by most courts. Policy statements should direct inquiries and complaints on sexual harassment or other sensitive workplace issues to a designated management ombudsman or human resources professional trained to deal with these issues and with the organisational clout to resolve them.

- **It emphasises action.**

An effective policy statement on sexual harassment should clearly articulate the organisation's goal in responding to any and all reports of incidents. That goal is simply to end any illegal conduct and to see that it does not recur. How the organisation accomplishes that objective is through prompt and thorough investigation of every allegation, leading to action on any misconduct the investigation uncovers.

- **It talks about consequences.**

Policy statements should include at least two areas of possible disciplinary consequences for employees. Not only is this a clear warning that helps

employers in any defamation or wrongful termination case, but it also is a strong indication of how the organisation feels about sexual harassment in the workplace. The policy should state that appropriate levels of discipline, up to and including dismissal, may result, depending on the findings of the investigation.

- **It does not guarantee confidentiality.**

Because of the legal duties involved, and the frequent conflicts of rights, obligations, and even facts, sexual harassment allegations will never be held in strict confidence, and promises to do so only undermine the complaint-resolution system and give employees a reason to distrust management. In lieu of a pledge of strict confidentiality, policy statements should say that concerns will be kept as confidential as possible, or that every effort will be made to limit both the number of people who need to know and the extent of any discussion (Wagner, 1992)

Allegations of sexual harassment should be disclosed only to the extent necessary to conduct an adequate investigation and/or to take appropriate corrective action. They should not be broadcast to the workplace like they were the nation (Segal, 1992).

- **It pledge non-retaliation.**

They should always include assurances that employees who bring sexual harassment to management's attention will be protected from retaliatory action. Employers may not discipline or otherwise adversely affect the terms and conditions of employment of an employee who sincerely but mistakenly believes that sexual harassment has occurred and who brings that belief to the attention of the organisation. Only when it is clear that the employee is motivated by spite or malice, and is using the complaint-resolution system for personal revenge, is the employer justified in imposing discipline, up to and including termination (Wagner, 1992).

- **Commitment**

The policy should include a statement of the employer's commitment to the maintenance of a work environment that is free from sexual harassment. In committing itself to this goal, an employer is also committing itself to carry out

programmes and procedures that will ensure a harassment-free work-place for all employees (Aggarwal, 1987).

Distributing the Policy

A policy in itself cannot prevent or protect employees from sexual harassment. It must be properly implemented and communicated in order to be effective. Depending on the type of business and the way other information is disseminated to employees, organisations may want to consider taking the following steps:

- Include the sexual harassment policy in the employee handbook, not just in management's policy manual (Gutek, 1985).
- Publish articles in the organisation's internal publications (Lightle & Doucet, 1992)
- Use any appropriate occasion to reinforce the basic message, including new-employee orientation, handbook revision discussions, and appropriate training sessions.
- Make sure supervisors and managers are aware of the policy, as well as of the organisation's position on sexual harassment in general (Gutek, 1985).
- Ask senior management to discuss and review the policy and the company's commitment to it on a routine basis in an appropriate and natural way at management meetings or off-site seminars. This makes it easy to address sexual harassment without overly emphasising it (Lightle et al., 1992).
- Always caution managers against discussing specific cases or situations, even for training or education purposes, unless care has been taken to minimise the risk of defamation from overbroad communications, even of facts or events (Wagner, 1992).

Posters, prominently displayed, telling employees where to call or visit if they have been sexually harassed will be more effective than a lengthy memo sent to everyone, although a memo announcing a new policy and procedures is likely to be

useful. If a policy is already in place, distribute a reminder memo at least once a year (Lightle et al., 1992). A personal statement from the managing director or an endorsement from top management demonstrates support for the policy (Gutek, 1985). The best strategy is to use all these methods at various times throughout the year (Lightle et al., 1992).

Even a well-implemented policy does not necessarily guarantee that harassment will never occur and that the employer will never be liable. However, the policy does provide evidence of the employer's commitment to prevent sexual harassment (Aggarwal, 1987).

16.2 Training: An Important Prevention Strategy

Grievance and disciplinary procedures and organisational policies prohibiting sexual harassment are important mechanisms, but they alone are not sufficient to prevent sexual harassment and to facilitate the necessary changes in employees' attitudes and behaviours. It is only through training that people will learn to change their behaviours and develop the skills necessary to manage the interactions of their work groups (Licata & Popovich, 1987).

The literature on sexual harassment reveals confusion about just what sexual harassment is. Men who are likely to initiate sexually harassing behaviour emphasise male social and sexual dominance, and demonstrate insensitivity to other people's perspectives. Equally troubling, research indicates that the great majority of women who are abused by behaviour that fits legal definitions of sexual harassment - and who are traumatised by the experience - do not label what has happened to them "sexual harassment". Because of the absence of a commonly accepted understanding of the nature, extent, and traumatic impact of sexual harassment - and because of the socio-cultural forces that condition many women to blame themselves for abuse they have experienced - women who have been victimised often need resources for education and counselling before they can recognise and challenge what has happened to them.

Persistent, comprehensive educational strategies are central to any genuine resolution of the harassment that is epidemic in the work-place communities.

Educational workshops include case studies, role playing, and presentations on legal issues involved in sexual harassment. Programme objectives include (1) learning how informal and formal power or authority in the work-place is perceived; (2) learning the politics involved in such non-verbal gestures as touch, body position, personal space; and (3) learning the social meanings attributed to behaviours that legally constitute sexual harassment (Paludi et al., 1991).

An organisation should initiate programmes as a preventative measure and not merely as a means of crisis management (Licata et al., 1987). Education is needed in men's perceptions of the misuse of power, their perceptions about women who have been harassed, and their attitudes toward sexual interactions (Paludi et al., 1991). It is necessary to help harassers realise the true motivation for some of their "kidding" behaviours. They must learn to differentiate between complimenting, patronising, and soliciting. They must be given specific examples of what is and what is not considered sexual harassment, so that they have some concrete standards by which to judge their own behaviour.

Women, too, have a responsibility for dealing with sexual harassment, and they will need training in learning how to do this. Trainers should help participants practise making and receiving complaints. Furthermore, women have to learn how to confront undesired behaviour openly the first time it occurs. Role playing can help people to learn how to respond to harassing behaviours and what behaviours of theirs might actually be encouraging the harasser. Women must learn which behaviours of theirs are sending confusing messages to their male co-workers. For example, passive reception of sexual harassment may be a stalling tactic on the part of the harassee but may be interpreted as acceptance on the part of the harasser. This understanding on both sides will require some honest communication about past assumptions and present confusions. The input of other participants also can help to clarify situations and perceptions.

Rationally talking about responses to the issue of sexual harassment in the safety of the training session often leads to greatly increased awareness and sensitivity about what is generally considered to be an embarrassing topic. During sessions, participants may learn that they share some of the same reactions and fears. Care

must be taken not to make anyone hypersensitive to dealing with male-female issues, as this could lead to "backlash" behaviours. People should not be led to become paranoid about working with or being friendly with someone of the opposite sex (Ballew & Adams-Regan, 1993).

Training is a proven mechanism for promoting an organisation's policies and procedures, while increasing the awareness of managers and supervisors of their roles and obligations under these policies. Having a training programme may well be the best defence for an institution in a sexual harassment case, both as a preventative measure and as a remedy (Bazilli, 1991).

After the empirical research has shown that there is a need for training of employees the design and implementation of training programmes will be discussed, as well as different approaches to training (chapter 5)(5.1.3.3).

16.3 The Line Manager : Front-line Defence Against Sexual Harassment

Line managers have a central role to play in keeping the workplace free from sexual harassment. On-going line management co-operation and support is critical for maintaining a harassment-free environment.

There are a number of routine managerial processes that can be used to effectively combat sexual harassment. In particular, there are four distinct opportunities for the line manager to integrate sexual harassment prevention into his or her daily round of work life:

- Managing organisational entry of new employees
- Managing individual performance
- Managing the work environment
- Handling grievances and complaints.

Through personnel selection, orientation, and initial socialisation of new employees, front-line managers can play a critical role in creating the harassment-free workplace. While we generally view the applicant interview as a chance to assess

the applicant's task knowledge, skills, and abilities, it can also be used as an early prevention tool in the fight against sexual harassment. Questions focused on the job applicant's past working relationships, attitudes toward female co-workers, perceptions of work-related differences between men and women, beliefs about social-sexual interaction in the workplace, and thoughts about the seriousness of sexual harassment are not only appropriate, but, serve three important functions. First, they are effective at screening candidates who are not likely to "fit" with the core values of the organisation; in particular, with the commitment to a harassment-free environment. Second, they provide valuable insights into the applicant's likely future conduct in the workplace. Third, including such questions signals the commitment of the organisation and the manager to providing a non-threatening and harassment-free work climate.

Orienting line employees to appropriate social-sexual behaviour is not solely the job of Human Resource specialists. In fact, the line manager is likely to be far more effective at it. On-the-job orientation stressing a harassment-free work environment as necessary to maintaining a high-performance and highly-satisfied work unit is a line manager's responsibility. Once again, the orientation phase of entry is an opportunity for the line-manager to create an initial expectation on the part of new employees that maintaining harassment-free work relations is an integral part of his or her work-related performance.

Through formal performance reviews and day-to-day feedback, line managers can effectively combat sexual harassment. In fact, line managers have a powerful personal incentive to do just that - sexual harassment in the line manager's unit is likely to reduce the work unit's productivity through disruptive work relations, absenteeism, and turnover. Such outcomes are likely to have a bad effect on the line manager's performance appraisal and, ultimately, his or her personal career success.

Making clear that one dimension of performance is the subordinate's relations with co-workers, establishing standards of appropriate social-sexual conduct, and emphasising that such relations are an integral part of the performance review process signal what behaviour is valued and rewarded. Line managers who are

sensitive to the importance of a harassment-free environment, who make a point of observing employees in interaction, and who give timely feedback on performance-related behaviour of their employees will see a substantial effect on these behaviour. Day-to-day interaction provides enormous opportunity for informal rewards (praise, compliments, favoured assignments) and sanctions (reproach, disapproval, reprimand) that directly influence an employee's social-sexual behaviour and indirectly influence other employees by demonstrating the consequences of such behaviour.

Both through modelling appropriate behaviour and by managing the physical setting, line managers can create a climate that discourages sexual harassment and influences the learning process of their subordinates. Quite unintentionally, line managers can undermine other efforts at preventing sexual harassment through such "harmless " everyday behaviour. More often, however, the one aspect of the workplace that most undermines proactive efforts at reducing sexual harassment is the physical environment. Line managers can take steps to maintain a workplace environment free of symbols that suggest that sexually-oriented themes are tolerated in the workplace.

Regardless of the scope of the line manager's responsibilities, sexual harassment complaints involve special problems that call for four special skills on the part of line managers: being supportive of the grievance process, knowing the organisation's established procedures and guidelines, acting impartially, and maintaining confidentiality.

Efforts at preventing sexual harassment are most likely to be successful if they are "institutionalised" in the daily round of work life. Line managers, through their routine managerial responsibilities, are in a unique position to do just that. Line managers have a strong incentive to take action to prevent sexual harassment and maintain a harassment-free environment (Thomann & Strickland, 1990).

16.4 Using Exit Interviews

Exit interviews can be valuable in assessing the overall health of an organisation, as well as for identifying possible trouble spots. Since exiting may be willing and able to bring specific situations to the attention of a skilled and caring questioner, employers who fail to take advantage of these opportunities may be denying themselves a chance for early detection of serious problems.

Exit interview questionnaires should contain a specific reference to sexual harassment concerns. Should the resulting review indicate a more widespread problem, a full-scale investigation into patterns and practices should be undertaken. If the exiting employee is leaving because of a harassment incident, either real or perceived, request that the individual remain on the job until the matter can be fully reviewed. Should the employee then leave and later level a charge of sexual harassment, claiming that she was constructively discharged, the company can argue in its defence that, in light of its commitment to review and resolve the matter promptly, a reasonable person would not have felt compelled to resign. Should an investigation result in a finding that separation was likely caused by sexual harassment, the organisation should not hesitate to explore the possibilities of reversing any personnel actions tainted by the harassment, up to and including the separation itself (Wagner, 1992).

16.5 Other Proactive Opportunities

16.5.1 Promote Professional Behaviour and Ambience

Talented, motivated people prefer to work in a professional environment. Professionalism is not established by fiat but is developed through example and reinforcement. Professionalism should be stressed at orientation for new employees, and appropriate styles of address should be discussed. Managers at all levels should be role models of professional conduct. Company newsletters, posters, and the like can include small notes reminding people to treat others with respect and courtesy. Professionalism should be considered in the performance appraisal process. Professionalism should not be confused with authoritarianism.

The work-place can be professional and informal, with a maximum of individual discretion involved (Gutek, 1985).

16.5.2 *Walking the Floors*

A quick and simple preventive measure with significant potential payoff is simply to tour the office premises. As you walk through, look and listen for:

- Any displays of a sexual nature in offices, cubicles, and other public spaces, such as posters, inappropriate magazines, and suggestive calendars.
- Any displays or graffiti in restrooms, photocopy rooms, locker rooms, or in nooks and crannies.
- Any general exchanges where the content is sexual or harassing in nature. Friday afternoons are a good time for this kind of informal check.

Discuss any concerns with the supervisor or manager involved so that preventive action can be taken in a low-key, course-of-business way.

16.5.3 *Rumour and Innuendo*

While we all know that exaggeration and elaboration are the gossipers' stock in trade, we also know that there is usually a kernel of truth inside the mass of rumour and innuendo. When whispers have to do with possible sexual harassment, particularly when the same players are featured again and again, the employer ignores these rumours at its peril. Discreet inquiries may well uncover a situation that requires fast and professional intervention.

16.5.4 *Complaint-Resolution Audits*

Another good preventive measure is to conduct an informal audit of the organisation's internal complaint-resolution system. Look for:

- The level of organisational use
- Credibility

- Trust.

Start by promoting the system in an honest and straightforward way. Then take one or two opportunities to shepherd complaints through the system, making sure that notions of fairness and non-retaliation are applied, regardless of outcome. Make sure that all levels of management, but particularly top management, understand the importance of a well-functioning internal complaint resolution system, and are willing to do what is necessary to make it happen.

16.5.5 Minimising Defamation Risk in Reference Giving

Preventive steps can help an organisation minimise the defamation risks inherent in sexual harassment situations. Since harm to reputation is the essence of a defamation claim, sexual harassment investigations must always safeguard the reputations of all involved during and after the review process. Employers can prevent defamation or tortious claims of interference with contractual relationships by:

- Structuring the flow in inquiries.
- Requiring that all inquiries be in writing.
- Obtaining written releases from employees before providing third parties with reference information.
- Separating fact from fiction.
- Developing a companywide policy on the type and extent of information to be shared and implementing it uniformly.

16.5.6 Getting References

Employers hiring individuals without inquiry into such possible problems as criminal convictions for sexual assault or rape, or histories of mental illness involving violence or abuse of others, will increasingly be subject to unexpected and unwanted litigation and its attendant negative publicity.

In addition to many of the preventive measures recommended for employers giving references, these suggestions may prove useful in obtaining references:

- Carefully review the application forms of all serious contenders for a position.
- Carefully check each applicant's personal and professional references, emphasising character issues such as honesty, trustworthiness, and reliability as well as performance matters. Specifically inquire about work-place violence and occurrences of sexual harassment.
- Particularly for jobs involving young people, customer contact, or use of dangerous equipment, consider using the services of a reliable background-checking organisation (Wagner, 1992).

16.5.7 Conduct an Employee Survey

Since sexual harassment is such a secretive and potentially explosive issue, consider conducting a survey among your employees. Promise employees anonymity and confidentiality. Cover the whole range of behaviour and the consequences that flow from sexual harassment to the victim. The results of the survey should be posted and printed for distribution.

16.5.8 Orientation Sessions for New Employees

New employees should be advised of company policy on sexual harassment at their orientation session. They should also be made aware that their complaints will be treated seriously (Backhouse et al., 1981). These sessions should emphasise the nature and extent of harassment; legal definitions and legal responsibilities; the trauma experienced by individuals who are harassed; the damage done to their careers; and the means the institution provides for supporting those who are harassed, for ending harassment, and for punishing harassers when it is appropriate (Paludi et al., 1991).

16.6 Redress Mechanism

Although an effective preventative action programme may be successful in deterring many harassers, problems will still arise. Thus the employer is required to establish a redress mechanism that will first, provide relief for the victim, and second, impose sanctions on the harasser (Aggarwal, 1987).

The complaint investigation procedure is often overlooked, because most organisations already have procedures in place to deal with organisational problems. However, the grievance procedures currently used by many organisations do not have adequate safeguards to ensure a proper investigation of a sexual harassment complaint.

Why is a sexual harassment complaint different from other types of routine complaints? First, it typically involves accusations made by one employee against another (frequently a supervisor or manager is the target of the complaint) claiming sexual misconduct at work. Second, it is an extremely sensitive issue, one that can affect the lives and reputations of many people. Third, it involves judging the guilt or innocence of an employee, oftentimes with only indirect or circumstantial evidence. Fourth, mishandling a complaint can lead to damaging legal and financial consequences for the organisation. Each of these differences signals a way in which "catchall" grievance procedures can lead to problems in handling sexual harassment complaints (Lengnick-Hall, 1992).

Such a mechanism must include a complaint procedure, an investigation process, a system of imposing penalties and granting remedies, as well as an appeal procedure. The policy should establish who will be involved in the redress mechanism. It is desirable that a specific individual or group of individuals be appointed to deal with the allegations of sexual harassment. These individuals should be neutral, unbiased, and well qualified to deal with these particular issues (Aggarwal, 1987).

Well-informed, visible support offices are essential to prevent sexual harassment. The role can be filled by a variety of offices, such as those of ombudsman, affirmative action, or human resources. What matters are not the titles but visibility.

People must recognise that there are people interested in complaints who have the authority to provide more than tea and sympathy to complainants. Women must know that support offices have the power to act on complaints or to transmit them directly to an office that can. Not surprisingly, sexism is often "ghettoised" and sexual harassment is usually referred to an office staffed by women. It frequently lacks the staff/budget to have real political power. It is appropriate to think that women are more comfortable resources for harassment victims and perhaps to assume that they have more nurturing styles in helping to resolve difficulties. A problem occurs, however, when sexual harassment is viewed as simply a "women's issue". The more it is removed from the organisation's attention and the centre of power, the easier it is for the organisation to overlook and deceive itself about sexual harassment. When an organisation "ghettoises" the issue, it gives the appearance of concern when, in fact, it relegates sexual harassment to a powerless office so that the "real" business of the organisation is not affected (Dziech et al., 1990).

A key element of the redress mechanism is **availability**. The redress mechanism must be made available to all employees. Also, it should be specifically mentioned that individuals who observe harassing behaviour are responsible to report this behaviour by way of the redress mechanism. However, a complainant should be able to bypass supervisory staff members, should the complaint involve a supervisor (Aggarwal, 1987).

The procedure for redress can consist of **two stages**:

- at first **informal**, involving discussion and mediation, usually with the relevant manager(s) ;
- and, failing a satisfactory resolution, **formal**, by submitting the case in writing to the managing director or to the complaints officer (Prekel & Wilkinson, 1992).

Informal complaints may or may not be written, are not investigated, and do not result in formal disciplinary actions. Persons complained against may agree to actions such as apologies, demotions, or voluntary resignations, without going through formal disciplinary procedures. Formal complaints, on the other hand, must

be written whether by the complainant or by someone else and agreed to by the complainant, require an investigation, and result in formal disciplinary action if it is found that harassment has taken place (Paludi, 1990).

Should these procedures fail, the matter may be taken to the Industrial Court (Prekel et al., 1992).

16.6.1 Complaint Procedure

If sexual harassment complaints are investigated properly, they can often be resolved before they explode into costly and time-consuming legal action and bad publicity. Unfortunately for employers, and sexually harassed employees, most managers are unaware of how to effectively deal with a sexual harassment complaint (Anderson, 1992).

The knowledgeable employer should develop and publicise a mechanism that promptly, fairly, and confidentially receives and processes complaints of sexual harassment, yet also serves to protect those accused from unfounded or frivolous complaints (Faley, 1982).

The complaint mechanism should include both male and female officials, so that the complainants would not feel intimidated to discuss matters with a member of the opposite sex. The policy should emphasise that complainants will not be subjected to any form of reprisal (Aggarwal, 1987).

16.6.2 Establish an Investigative Procedure

The employer should not attempt to determine the merits of the complaint before undertaking a complete investigation - every complaint should be investigated. This does not mean that the employer must believe all the allegations of sexual harassment or punish all alleged offenders (Cohen & Vincelette, 1985).

All complaints should be taken seriously and dealt with fairly and promptly. The key to the proper handling of harassment complaints are quick action, objectivity, thoroughness, and confidentiality (Aggarwal, 1987).

Top mistakes managers make when conducting sexual harassment investigations are:

- Believing that sexual jokes and banter are a natural part of the workplace culture and that any employee who does not like it is a prude.
- Trying to resolve complaints personally, thereby not consulting with their organisation's appropriate personnel and legal resources office prior to dealing with the situation.
- Deciding that the best way to get rid of the problem is to get rid of the complaining employee.
- Resenting the complaint or seeing it as a nuisance. Managers must show by their actions and attitudes that sexual harassment complaints are serious and a very important part of their job as a supervisor.
- Trying to dissuade the employee from complaining about the sexual harassment. Saying to the sexual harassment victim, "Come on, that's just how he is. He was just joking".
- Acting before the investigation is complete. A manager stating "I'm going to fire that sexual harasser," before all the facts are in.
- Making an evaluation of the seriousness of the situation based only on hearsay, partial information or after only talking with the alleged recipient.
- Not taking it seriously unless it is a formal complaint.
- Interfering with the sexual harassment investigation of a peer because (a) he/she would never do that behaviour (b) it's a false charge, (c) the alleged recipient is trying to get money from the organisation or (d) the alleged recipient is attempting to ruin the career of the alleged harasser.
- Not taking the complaint seriously because of assumptions that the alleged recipient asked for the behaviour by wearing provocative clothing, flirting, dating several men at the same time, telling sexual jokes, etc.

- Not taking action when fielding a complaint from an employee in another department. All managers in the organisation have a responsibility to the organisation and its employees to stop sexual harassment wherever it occurs.
- Ignoring a complaint because the alleged sexual harassment occurred several years ago.
- Trying to influence the results of an investigation involving a complaint against top management or pulling support for the investigation when it gets "hot and heavy" and too close to top executives.
- Not taking action because the employee who complained of sexual harassment told his or her supervisor to do nothing (Anderson, 1992).

When an employee comes with a complaint, it should be made clear to her that the policy of the organisation is to comply with the guidelines and that a proper investigation into the situation will be made. The employee may become uncomfortable and indicate that she doesn't want to make trouble. But once an employee has made a complaint, the organisation is officially notified and is liable for the actions that are the subject of the complaints. Employee statements concerning their discomfort with the idea of an investigation do not relieve the organisation of liability. If no investigation is conducted on the basis of such statements, the employee could later charge that the supervisor was aware of the situation and took no action. Unquestionably, the investigation of a situation of sexual harassment is a difficult one. If the employee insists that no action be taken, there must be a documented understanding with the employee that the employee has no complaint (Cohen et al., 1985).

Still you will have to tell the complainant that, although you understand his or her privacy concerns, you have an obligation to act. You should explain:

- Legal concerns
- That others may be affected

- That, unstopped, sexual harassment can spread and more broadly infect the workplace (Lightle et al., 1992).

Naturally, the employee should never be pressured to withdraw a complaint (Cohen et al., 1985).

Plan on beginning the investigation as soon as possible, but no more than two to three business days after the triggering event. Unless a set of circumstances is particularly complex, plan on concluding your investigation no more than ten business days later.

Before you begin a sexual harassment-complaint investigation, you must take precautions to avoid any additional harassment incidents. This means it is necessary to be sure that the complainant and the accused are physically separated at the workplace and/or constantly monitored during the investigation.

It is vital to protect a sexual harassment victim from further harm. It is also vital to protect an accused harasser until an investigation has been completed and a determination of guilt or innocence has been made. Reassignment of work duties, close supervision or paid time off during the investigation for either the accused harasser or the victim may be necessary to accomplish the goal of ensuring fair treatment (Lengnick-Hall, 1992).

For an investigation to be conducted thoroughly, you must interview every individual who may have personal knowledge of the truth or falsity of the allegations themselves, or anyone who can shed significant light on the relationship between the accuser and the accused. This may include co-workers of the parties, individuals in physical proximity to their work stations, higher levels of management, or employees who may have relevant background information to offer. In addition, discussions with appropriate members of management and a close examination of corporate work records are usually most helpful, particularly when no witnesses are available (Wagner, 1992). Existing personnel files should also be examined in order to determine whether there were previous complaints or evidence of prior friction between the two parties.

Characteristics of a Good Investigator

Conducting sexual harassment investigations require a special set of skills. To maximise the chances of success, the designated individual(s) should be:

- Knowledgeable about the legal aspects of sexual harassment and the conflicting rights and responsibilities of all those involved.
- Experienced in handling general employee complaints, as well as other forms of discrimination claims.
- Familiar with the organisation's structure, policies, practices, and management staff.
- Outside the involved parties' immediate chain of command - ideally as an ombudsman or service role.
- A trained facilitator, counsellor, or someone who others find it easy to confide in.
- A friend or close associate of neither party.

The investigator or investigative unit should report directly to the person who will determine the organisational response. It is essential that the investigator be aware of and try to minimise his or her departmental loyalties or dislikes when carrying out investigative responsibilities. At the same time, the investigator must also be sensitive to the "culture" of the organisation and recognise that persons in certain kinds of jobs or at certain levels will need to be treated differently to get to the same end.

A key to effective investigations is the **credibility** of investigators. Investigators must conduct their inquiries, write their reports and make recommendations in objective, clear language so that the organisation, the alleged harasser and the alleged victim can trust that they are being treated fairly. Credibility will be achieved largely by remaining neutral while providing necessary support to all involved. This means that an investigator cannot allow any of the parties to pressure her/him to reveal confidential information, to become an advocate for anyone involved, or to

"take sides" in a final report or recommendations. The investigator must also be honest. If the organisation has failed, management must be so informed. If the investigation yields information that an employee has experienced poor treatment, but not discriminatory harassment, the complaining employee should be told this in straightforward language which does not lead her to believe or hope that allegations will be supported in a final report. The need for credibility suggests that a primary criterion for good investigators is the ability to be fair and candid, without allowing personal feelings to interfere with effectiveness.

Dealing with complaints of sexual harassment requires a delicate approach. It is difficult enough to approach someone who has been accused of sexual harassment because of the personal nature of the complaints and the need to watch for false accusations; one does not need to compound the situation by breaching the written code and social etiquette of the organisation. Management should be approached on these topics by persons seen as peers, because **status inequality** can have subtle but strong effects. If the investigator is too deferential and does not ask hard questions, the investigation will be hampered because essential information may not be covered. On the other hand, a manager who feels superior to an investigator may accuse anyone questioning his or her authority of being a bully or violating his or her rights; likewise, an investigator who feels inferior to a colleague might try to bully him or her to demonstrate power. Thus an investigation may be hampered either by friction or deference resulting from status inequality.

Investigators must be able to relate well to a wide variety of persons, so that complainants and respondents will talk to them. First, they should have the ability to think and talk about sexuality and deviant behaviour. Because of the high incidence of sexual abuse in our culture and the associations sexual harassment brings to this abuse, the investigators must be prepared and able to listen to stories about incest, rape and battering. Second, the investigator must not: criticise the complainant for not being aggressive enough in response to the alleged harassment, openly identify with the complainant, or apologise for or criticise the behaviour of all men. Third, a knowledge of psychological theory appears helpful, though those with counselling training must exercise care not to become a "counsellor" to persons who clearly need help. Investigators must maintain a distance from all parties so that they can

make a reasoned judgement about the nature, legal issues, and resolution of the complaint, and be upheld as objective by others. If the complaint is within the organisation's human resources department, or involves a friend or close associate of the individual(s) designated to investigate the sexual harassment allegations, and thus neutrality and objectivity will be an issue, use outside counsel or an external consultant instead (Wagner, 1992).

From research a conclusion has been reached that the best approach to investigating sexual harassment is to have an interview team of a **male and female**, which provides the benefit of both perspectives simultaneously. Outside of the interview situation, each can use the other for occasional reality checks and for support. "Mixed" teams do not seem to interfere with reporting; the interviewee simply tends to make eye contact with the same sex person while answering sensitive questions. For the female complainant, the team approach offers a "safer" environment than talking about sex to a strange man.

Investigators must not go into this kind of work if they have a strong need to be liked or to have their work appreciated. No matter what the outcome of a case is, someone and possibly everyone will be angry. The alleged harasser may continue to deny that he did anything wrong and may accuse the investigators of being overzealous, on witch hunts, man haters, etc. The complainant may be satisfied with the outcome but anxious to forget everything about the situation, including the work of the investigator. The complainant may not be satisfied with the outcome and may blame the investigator for not doing more. The investigator must take comfort in knowing that he or she did the best that could be done (Paludi, 1990).

16.6.2.1 Interviewing the Complainant

The initial contact may involve an informal interview with the complainant in which the appointed official would advise the complainant as to her options. The official should also provide the complainant with emotional support, aiding the complainant in coming to an understanding of the situation (Aggarwal, 1987). To avoid misunderstandings and possible later recriminations, every initial complainant

interview should begin with a complete **explanation of the investigatory process**. The following should be covered:

- The role of the investigator
- What will happen, and approximately when
- Who will decide the final outcome
- What the investigation will cover, including who else may be contacted and what records or documents may be used.

This is also an ideal opportunity to let the complainant know that every effort will be made to limit discussion of the matters she is bringing to your attention to only those individuals who need to know the facts, and that it is expected she likewise will discuss her allegations only with you and with members of senior management or in-house counsel if that becomes desirable.

Assure the complainant that the company will make sure no retaliatory actions are taken because of her good-faith, sincere belief that she has been sexually harassed. Through open questions asking the complainant to put herself in the shoes of the individual she has named, make sure she understands that the allegations are serious, with the potential for serious damage to the individual's professional and personal reputations. Explain that the facts will be gathered and assessed and the company will take what it decides is appropriate action based on them.

If the complainant is someone whose background might include **culturally different ideas** about touching others, the proper amount of physical space between individuals in the work-place, eye contact, or other aspects of physical relationships between relative strangers, now is a good time to learn what baseline assumptions or ideas play a part in her allegations of harassment. If cultural differences are major issues, it may be that one or two counselling sessions to help both parties understand and respect each other's way may be all that is needed to resolve the misunderstanding (Wagner, 1992).

The next step in dealing with a complaint of sexual harassment is to assure the victim that her job is not in jeopardy and that she is not on trial (Aggarwal, 1987). Let the complainant tell in her own words what happened, once through, without interruption. Restate your understanding of what was said, and ask for agreement or correction until you have the basic facts defined to your satisfaction. Then begin the process of adding flesh-and-blood detail to the bare bones of the facts. Probe for specifics at every opportunity, including the words that were said, the gestures that were made, where the touch was located on the body, the way the complainant was touched, and how the words interacted with the actions. Look next to the **details surrounding the event**, including specific physical location, date, time of day, relationship to work routine, how the parties were dressed, whether the alleged harassment took place in the main area of the work-place or in a less-trafficked location, at an off-premises business function, during a meal or coffee break, and so on. Explore the context of the behaviour. Ask the employee if it could have been intended as a joke, whether similar actions had occurred in the past in a less serious vein, whether the harasser was surprised at her reaction.

Carefully explore the parties' **prior relationship**. Talk with the complainant about how the other person might have known that she was becoming uncomfortable with the complained-of behaviour. Find out if she had indicated in any way, either through what she said or what she did, that the behaviour was offensive to her. Discuss the frequency of the behaviour, whether it had occurred in the past, and what her reactions had been to it then. Ask the complainant if she is aware of anyone else in the work group, past or present, who might have had similar difficulties with the alleged harasser.

If it becomes apparent that the parties had a dating or even an intimate relationship in the past, it is critical how the other individual would have come to know that previous behaviour was now no longer welcome. Particularly when consensual relationships go sour, or one party to the affair want to end it but the other cannot, mutual counselling and sound preventive measures may resolve the matter informally to the satisfaction of both individuals. Advise the victim to document all

incidents relating to the harassment. Encourage her to enlist the support of witnesses, if she has any.

Always ask the complainant whether anyone witnessed any of the behaviour she describes, whether seeing it as it happened, hearing the complainant and the accused individual exchanging words, or learning about it from the complainant after the fact. Begin by reiterating your request that the complainant not share any further information with anyone other than those individuals already identified. Make a listing of all witnesses identified by the complainant and the specific behaviours they may have seen, with approximate time frames. When there are no corroborating witnesses, your examination of other corroborating evidence becomes all the more important.

Once you learn the exact nature of the complainant's allegations, begin immediately to identify the **organisational records**, documents, reports, and other materials that might be used to corroborate all or part of what she claims. Some of the items to consider include:

- Complainant's personnel file
- Accused individual's personnel file
- Quantity and quality production records
- Performance reviews
- Annual salary budget projections, forced rankings, or salary justification memos
- Annual bonus projections, assessment of achievements against goals, or other award criteria, if any
- Department or unit promotional records
- Any records of job bids or postings for the open positions you find
- Any disciplinary warnings or negative notes from the accused, if the supervisor, to complainant

- Records of any similar allegations the complainant has raised in the past, particularly with respect to the same individual
- Records of special assignments, training opportunities, and other "soft" job benefits controlled by the alleged harasser.

End the interview with a key question. Ask the complainant what she would like to see done, what action she would like the employer to take, what she would like to see happen to the accused. If **expectations** that are not likely to be met come to the surface, now is the time to dispel these notions and replace them with an explanation of the process and its possible outcomes.

If it becomes clear early on that the facts and circumstances do not rise to a legal level of sexual harassment, discuss this with the complainant, assuring her that the organisation will respond appropriately to the behaviour and work with the individual to make sure he modifies his actions to conform to what is expected behaviour in a business setting.

Along with clarifying the facts and circumstances, your mission is to **assess** the **credibility** of the complainant. Base your impressions on the internal consistency of her story; what she presents as her motivations, what corroboration is available, and the body language and voice inflections you observe while she speaks.

Based on the facts and circumstances, and your assessment of the complainant, you may want to provide some form of immediate **relief** until the investigation is concluded. This should be considered when:

- The complainant is in a highly emotional state.
- The relationship between the complainant and the alleged harasser has become so adversarial that peace in the work-place has been disrupted for everyone, and going to work has become a highly unpleasant chore for the complainant.
- The allegations are very serious and very believable.
- The complainant request some measure of relief.

Consider offering temporary transfer to a position using the same general skills, with retention of all compensation and benefit levels; a paid leave of absence until the investigation is concluded; an unpaid leave of absence until the investigation is finished; or reassignment to a different building, floor, or department, or a special project that can be completed either at home or in a different work area. Let the complainant help select the best option for management's review and immediate decision.

It can be beneficial to work with the complainant to prepare a **statement** of her position that she then signs and that goes into the case file. Let the complainant know that her statement may be shown to members of senior management, to legal counsel, to any personnel that may become involved, and to other individuals who may be interviewed during the investigation, including the accused. Make sure the complainant reads and reviews the statement and that she agrees that it represents a fair and accurate account of what she has said to you. Ask her to sign the statement once it has been finalised. The original goes into the case file, with copies to the complainant and the investigator. If the complainant seems reluctant to work with you to draft a position statement, offer her a quiet room and as much time as is necessary for her to draft her own version. If the complainant refuses to sign anyone's account of her statement, remind her that unsubstantiated allegations have serious consequences, including the possibility for personal liability. Probe to see if there is a reasonable explanation for her unwillingness. If not, draft the position paper yourself, carefully noting her refusal to sign, and characterise the statement as your best understanding of her position, based on your conversation (Wagner, 1992).

16.6.2.2 Meeting with the Accused

The alleged harasser should also be notified that a complaint has been lodged against him. He should be asked to meet with the investigators at the investigators' office as soon as possible (Paludi, 1990). Begin your meeting with the accused by letting him know that a serious matter has been raised, that he has been connected to it, and that it involves unwelcome behaviour on his part. Avoid characterising the behaviour as sexual harassment, and avoid talking about the matter in terms of a

"charge", "lawsuit", "allegation" or "claim". Instead, talk about the facts that have been brought to your attention or the situation that needs to be clarified and resolved (Wagner, 1992). The investigator is much more likely to bring about behavioural changes that are desired if they do not automatically classify conduct as sexual harassment. Rather focus on the inappropriateness of employees' behaviour (Segal, 1991). As with the complainant, take the time needed to review:

- The employer's obligations under the law
- Your role as the investigator
- What will happen and approximately when
- Who will decide the final outcome
- What the investigation will cover
- The seriousness of the matter and that every effort will be made to conduct a neutral, objective, and professional review
- The ultimate objectives of the investigation: not to determine the truth and assign blame but to end the illegal or inappropriate activity, if there is any, and take preventive measure to see that it does not recur.

Present a brief **summary** of the facts calmly but without apology, and note the person's response. When the initial reaction has subsided, ask the person what he believed happened during the incidents the complainant has cited. Allow him to relate his understanding of the situation through once, then return to it for specific, step-by-step review. If you were able to obtain a signed statement from the complainant, show that to the accused and give him an opportunity to read it through. If no such statement was signed, recite the facts of the situation as related to you by the complainant, providing specific details as you go along. Begin going through the facts, step by step, noting areas of agreement, disagreement, or where corroboration by third parties might be possible. Ask the person to explain the context of the behaviour.

Begin the inquiry by asking the accused to describe his **relationship** with the complainant. Find out how long the parties have known each other and on what basis. Ask the person whether he had noticed any recent changes in the complainant's behaviour toward him, or reactions that might indicate in any way, orally or through body language, that the behaviour in question was offensive to her. Find out how frequently the behaviour occurred in the past, and what the complainant's reactions to it had been at that time. If the parties had a dating or an intimate relationship in the past, note the time frame and explore whether the complainant did or said anything to the supervisor to indicate a change in her feelings and, if so, what that indicator was.

When the accused does not involve the supervisor, it is a good idea to start with the immediate supervisor of the accused if the complainant and co-worker work for the same person, or with the supervisors of both parties together. Briefly give the supervisor the minimal facts of the sexual harassment allegation: who the parties are and what the offensive behaviour entails. Ask for whatever information the supervisor may have, whether official or informal, concerning:

- The nature of the parties' relationship
- How long they have worked together
- Whether they have known each other before
- Whether they socialise alone or as a group
- Whether they eat lunch or take breaks together
- Whether they are closely involved in each other's work or independent of each other's job functions
- Whether the supervisor has observed anything that would lead him to believe the alleged behaviour occurred or that it was unlikely to have occurred
- Whether the complainant might have a work-related or personal motive for bringing a claim of sexual harassment against this particular individual

- Whether there have been any unusual incidents or other allegations raised by either party against the other.

When co-workers are accused of sexual harassment, a central point of inquiry has to be whether or not the **supervisor** had any **knowledge** of the matter and, if so, what he elected to do about it. If any possibility of notice exists, find out if the supervisor took any action as a result and, if so, what he did, when he did it, and with what result.

Caution the supervisor about discussing the situation with others, including the individuals involved most directly. Briefly explain your role and your expectations for how the investigation will proceed, and let him know that you will brief him at the conclusion of the review.

Ask the accused whether anyone witnessed any of the behaviour described, or if anyone was in a position to see or hear anything of the parties' relationship. Make a list of all potential witnesses identified. Find out about the relationship the accused has with each potential witness, including type and duration.

Ask the accused what he is prepared to do about the situation and what **suggestions** he might have about how this matter can best be resolved. Add his response to your overall impressions of credibility. Use this new information to update your comparison of the facts of the case. Compare information, noting areas of similarity and significant discrepancy for possible follow-up interviews.

Always take care with the **language** you use, whether dealing with the complainant, the accused, corroborating witnesses, senior management, or legal representatives. Use language that is fair, that does not minimise the behaviour but does not sensationalise it, either. Talk about "a serious matter", "a sensitive issue", and behaviour that might be called "inappropriate", rather than leaping to conclusions of "sexual harassment", "sexual abuse", or "corporate rape".

Ask the individual you interviewed to help you draft a clear, detailed summary of his or her position, making sure that the accused person reads his **statement** and agrees that it is a fair and accurate representation of what he has said to you. Ask

him to sign the statement once you have agreed on the language, and it has been typed up and read over. Place the original in the case file, with copies to the accused and the investigator. If the accused is reluctant to help you draft a position statement, offer him the time and private space to draft a statement of his own. If the accused refuses to sign such a statement, draft one yourself, carefully noting the refusal to sign and characterising the statement as your best understanding of the position, based on your conversation (Wagner, 1992).

The concept of not guilty until proven otherwise, must be remembered during the interview of the accused. You do not want to be faced with a libel or slander lawsuit by the accused (Lightle et al., 1992).

16.6.2.3 Meeting with Relevant Others

For purposes of this type of investigation, consider any individual who might have firsthand knowledge of the situation, or firsthand knowledge of the relationship of the parties, to be a **relevant other**. That may include workers in the same department or unit, those in a physically adjacent department with good lines of sight, the management level above the immediate supervisor, staff personnel involved in prior matters concerning the parties, or anyone whose name was mentioned in the course of the interview with either the complainant or the accused.

It is important to begin your interview with a thorough **review of the process** and the organisation's expectation for the individual's participation. Make sure you cover:

- The employer's legal obligation to investigate all matters raised.
- The difference between this undertaking and a trial in a court of law.
- That the investigation will be conducted in a neutral, objective, and professional way, and that it will focus on facts rather than gossip, innuendo, or rumour.
- That as the investigator, you will be asking them for personal knowledge or background information.

- Who will decide the final outcome, and that the result will be focused on making sure all behaviour in the department or unit is appropriate for a place of business and not offensive to others.
- That sexual harassment is not "in the eye of the beholder", but that it has a specific legal definition and a set of tests for determining whether it has occurred.
- That such a matter has been raised, and the individual may have been in a position to witness, observe, or hear something that could help determine what actually happened.

Begin each conversation with the statement that the complainant has brought a serious matter to management's attention that involves sexually inappropriate behaviour in the work-place. Ask the basic question of whether this witness has ever personally observed, witnessed, or heard anything that would indicate the complainant was being made uncomfortable at work, or that she found her work environment offensive. Move to the next level of question and ask directly about the relationship between the complainant and the individual she has accused of misconduct (Wagner, 1992).

If you want to protect the accused as well as the victim, consider how you can conduct these interviews without revealing names. While questioning witnesses, questions should be as general as possible. Some examples are:

- Have you seen anything unusual in the area?
- Do all employees in this area get along?
- Is there a lot of exchanging of jokes? (Lightle et al., 1992).

It is particularly important that the interviewees understand the need for no discussion of the sensitive matter other than with the investigator, and that disciplinary sanctions, up to and including termination, can and will be imposed for disregarding this prohibition.

You must assess the **credibility** and believability of all persons corroborating some aspect of the complainant's or accused's contention, or providing a glimpse into the nature of their **relationship**. Consider the issue of witness motivation and the relationship between each witness and the individual whose word is being corroborated. Make sure you understand what each witness might stand to gain from the situation, as well as what genuine feelings are at work here.

Ask each individual you interview to help you draft a **statement** detailing your interview. Make sure each person reads the statement, and agrees that it is a fair and accurate representation of your discussion. Ask each corroborating witness to sign the final statement. If a witness is reluctant to help draft a statement, offer the time and private space needed to draft a statement by him or herself. If a witness refuses to consider a signed statement, draft one yourself, note the refusal to sign, and indicate that the statement represents your best understanding of the witness's position, based on your conversation (Wagner, 1992).

Throughout the proceedings, the investigation committee must maintain a neutral position and guard itself against any premature decision. After investigation, the committee may draw up a draft conclusion that would be presented to and discussed with the individual in charge of discipline. This individual may also choose to consult with legal counsel prior to taking further action. The employer should take extreme care in protecting the alleged harasser against any frivolous charges, ensuring that the charges are well-founded before imposing discipline or discharge measures. If there is no foundation for the charge against the alleged harasser the case will be dismissed (Aggarwal, 1987).

The goal is to create a balanced work-place climate in which complaints can be voiced without fear and where people are not automatically judged. Such an investigation is not easy. The employer will be reluctant to question employees about the sexual conduct of other. There will be legitimate concerns about slander and a perception by employees that the employer is violating their privacy and infringing upon their freedom of association. The employer should be concerned about the detrimental effect that an investigation related to this sensitive subject will have on employee morale.

Moreover, in many, if not most, situations, the employer will be confronted with conflicting stories and will be required to weigh the word of one employee against the word of another. These difficulties must be anticipated and should not detract from the employer's effort. The employer must do its best to determine whether impermissible sexual harassment has occurred. Several steps are key to a thorough, appropriate investigation:

1. Confidentiality

Maintain confidentiality to the extent possible. Limit the dissemination of information regarding the complaints to those who have a need to know. Warn participants not to discuss the investigation with work-place colleagues or friends.

2. Documentation

Preserve all documents, and keep them in a separate file which is marked "confidential" and maintained by those who have a need to know of the complaint (Baxter et al., 1989). The investigator can arrange for outside help, if needed, with typing or filing any documents created in the course of the investigation, rather than expose internal secretarial or clerical employees to their contents. If, in the course of the investigation or at its conclusion, written documents are circulated to even a small number of individuals, the investigator should number the copies and distribute them with an attached instruction sheet prohibiting either copying or retention, once read, the copies should be returned intact to the distributor.

3. Just the facts

Along with restricted access to information, the investigator should do everything possible to keep discussion focused on the facts. Because of the high emotions that usually accompany sexual harassment claims and the temptation to include extraneous information, supposition or simply innuendo can be very strong. Everyone involved should be encouraged to stick to the facts and avoid editorialising, characterisation, or disparagement of the accused, his character, job performance, or family life (Wagner, 1992).

4. Prompt investigation

Investigate complaints promptly. Delays in an employer's response are frequently cited by courts finding employers liable for harassment (Baxter et al., 1989). Focus on the key issues, and plan for how the needed results can best be achieved. While every case will be different, taking the time to plan will help make the process more uniform and more effective:

- Be sure the investigation plan being constructed meets the employer's obligation to be both prompt and thorough.
- Plan to begin with the complainant, or with the situation if it arises other than through an employee's allegation.
- Consider what records or other documents might be helpful and where they can be found.
- Set aside time to interview the accused, to touch base with the next level of management, and to speak with third parties.
- Include time to visit the physical area where the alleged harassment occurred. Note the size of the space, its proximity to other work stations, and the possible lines of sight available to potential witnesses.
- Construct the plan to meet the time frame suggested for a prompt investigation (Wagner, 1992).

5. Due Process

Make every effort to ensure procedural fairness to both the complainant and the accused, one suggested guideline for employee interviews:

- Question the complainant thoroughly to get her side of the story.
- Question the accused thoroughly to get his side of the story. If he denies the complainant's allegations, consider the possibility of a joint meeting with the investigator, the complainant, and the accused where appropriate.

- After determining whether or not any other witnesses might have relevant information, interview those witnesses as confidentially as possible.

6. Determination

After conducting the investigation, reach a determination regarding what occurred if it is reasonable to do so. Inform both the complainant and the alleged harasser of your conclusion. There are three possibilities:

- the evidence shows that no violation of sexual harassment policy occurred;
- the evidence is inconclusive; or
- the evidence shows that harassment did occur.

- ***No harassment found***

If the conclusion is that the complaint lacks merit, so inform both parties. Reaffirm the employer's policy against sexual harassment. Inform the complainant that she may provide any additional information to support the accusation. Investigate any further evidence and alter the initial conclusion if appropriate.

- ***Inconclusive finding***

If the conclusion is "inconclusive", so inform both parties. Review the sexual harassment policy with the accused and inform the complainant this has been done (Baxter et al., 1989). The report to the complainant must include: (a) a statement that the investigation was inconclusive; (b) an inquiry as to whether she/he can still work in that area; if not, explore the possibility of a transfer to another area; (c) counselling that if another incident occurs, it should be reported at once (Lightle et al., 1992). Depending on the severity of the charges, consider further counselling and/or training.

- ***Harassment found***

If the conclusion is that a violation occurred, several options should be considered depending on the nature and seriousness of the harassment. Some options include:

- Resolution between the parties, perhaps in writing, that no further offensive behaviour will occur.

- Corrective counselling for the accused, possibly in conjunction with a further disciplinary step as stated below.
- The application of disciplinary action - oral reprimands, written warnings, suspension, or discharge, depending on all pertinent circumstances.
- The transfer, reassignment, leave of absence, or resignation of the harasser may be appropriate under the circumstances. Ensure that any action taken does not in any way adversely affect the complainant.
- Resolution of any concerns by the complainant, including the remedy of any damage. Consider offering the complainant professional counselling, if appropriate (Baxter et al., 1989).

Four Possible Investigation Outcomes

There are four possible outcomes that can result from the investigation's findings. These findings can result in consequences for both the organisation and for the employees involved.

Alleged Harasser's True Status	Innocent	Guilty
Guilty	D False Negative	A Correct Finding
Innocent	C Correct Finding	B False Positive

Cell A represents a correct finding from the investigation. An alleged harasser who is guilty of sexual harassment is found guilty. If handled appropriately after the investigation, this situation can result in several desirable consequences. The victim will no longer be harassed and will feel that the organisation deals with this problem effectively. The harasser will receive appropriate disciplinary action for this inappropriate behaviour. Other employees will be encouraged that the organisation has a fair and effective investigation procedure. And the organisation will be less likely to incur any legal problems due to its effective handling of the complaint.

Cell B represents an incorrect finding (a false positive) from the investigation. An alleged harasser who is not guilty is found guilty. Potential consequences of this finding include the ruined reputation of an innocent employee plus whatever disciplinary action is taken against him. Other employees (especially male employees) may view the investigation procedure as unfair to the accused, leading to lowered trust in the organisation. Also, the organisation runs the risk of a possible defamation of character lawsuit brought by the wronged employee.

Another consequence of a Cell B finding is the message sent to the complainant. If she knowingly filed a false complaint, her undesirable behaviour went undisciplined. On the other hand, if she filed a sincere complaint, but one that should not have been judged as sexual harassment, then she did not receive appropriate feedback about her complaint. Either case represents a breakdown in the sexual harassment-prevention programme.

Cell C represents a correct finding from the investigation. An alleged harasser who is innocent is found innocent by the investigation. Potential consequences of this finding are more ambiguous. The organisation's investigation procedure has worked properly, but what action, if any, should be taken involving the alleged harasser and the complainant? The alleged harasser's reputation may have been irretrievably damaged by the false accusation. The organisation can make efforts to publicise the finding of innocence but, as when newspapers publish retractions, little may be accomplished toward recovering the damaged reputation.

Another difficult issue concerns documentation of the complaint. Should documentation of the investigation appear in the man's file even though he was found innocent? Or, should any documentation be removed from the man's file in order to safeguard his reputation and prevent future problems arising from the information?

A Cell C finding also represents a difficult issue concerning the complainant. Since the finding is correct - an innocent person found innocent - the complaint represents a false charge. If the complainant was sincere, but misinformed about the

differences between sexual harassment and other merely annoying behaviour, then a training or educational remedy for the complainant should be considered.

If the complainant unambiguously filed a malicious false complaint, some disciplinary action is appropriate for the complainant to ensure that the complaint procedure is not abused again in the future. However, caution must be exercised when disciplining complainants, because it may cause true victims of sexual harassment to suppress their legitimate complaints.

Cell D represents an incorrect finding (a false negative) from the investigation. An alleged harasser is found innocent when he is guilty. Potential consequences include a harasser whose inappropriate conduct goes undisciplined. This creates the potential for future sexual harassment incidents arising from the same individual. Furthermore, the victim of the harassment may choose to take the complaint to the courts, mobilising a costly legal procedure for the organisation, in addition to the negative publicity associated with this kind of trial.

The organisation may lose a good employee (if the victim decides that voluntary turnover is her only solution) and suffer future difficulties in attracting and retaining good employees due to the negative publicity. Current employees may reassess their own views of the organisation based on how the organisation responds to the situation.

It is clear from the above analysis that organisations need to develop procedures that maximise the probability of making correct decisions (Cells A and C) while minimising the probability of making incorrect decisions (Cells B and D).

A thorough, careful and systematic investigation can ensure that correct decisions are more likely and incorrect decisions are less likely to result. But in order to make effective decisions, companies must pay careful attention to the apparatus of the investigation.

Set standards, adequately communicate them, and create a mechanism for discipline and the redress of legitimate complaints. Procedures need to be clearly specified, investigators need to be identified and trained, investigations need to be

monitored and reviewed, and decisions must be based on a careful weighing of the evidence, and consistency and fairness must be ensured.

Two kinds of justice must be sought in sexual-harassment-complaint investigations. One, termed procedural justice, implies that employees must believe the procedures used to handle sexual harassment complaints are fair. If they do not believe this, then any decisions made are also likely to be viewed with suspicion.

A second kind of justice, termed distributive justice, implies that outcomes must be fair, that the guilty must be correctly identified as guilty and the innocent must also be correctly identified as innocent. Organisations have more control over ensuring procedural justice than distributive justice. However, careful attention to procedural justice should improve the odds of achieving distributive justice (Lengnick-Hall, 1992)

Value of Properly Handled Investigations

Aside from legal considerations, properly handled sexual harassment investigations also have considerable therapeutic employee-relations value:

- **For the accuser**

Satisfaction comes from having a complaint taken seriously and dealt with carefully and expeditiously. The resolution of the situation, even if not entirely to the complainant's liking, can provide a sense of closure and an opportunity to resume normal activities without contending with perceived or actual harassment.

- **For the accused**

A full and impartial review of management actions can clarify behavioural expectations and uncover festering subordinate concerns.

- **For observing employees in the department/unit**

Appropriate action will enhance the perception of the employer as concerned about the well-being of its employees, as open to discussions of employee concerns, and as willing to look into the facts and circumstances in a neutral, objective way and take action based on the findings. Over time, the trust

employees feel in the organisation to treat them fairly should increase along with their satisfaction with the employer's complaint-resolution system. The savings an employer achieves in decreased litigation expenses, as well as in stabilised productivity, can also be a significant contribution to the bottom line (Wagner, 1992).

16.6.3 Checklist for Assessing Complaints

The following checklist may be of assistance in determining the extent to which sexual harassment has occurred:

- **Severity of the conduct**

Behaviours can generally be placed along a continuum ranging from mild to severe. Although no hard lines can be drawn, conduct will tend toward one end of the continuum or the other.

- **Number and frequency of encounters**

The number of incidents and the time span between them is important. A single incident may not seem severe but may become more serious if repeated often and with persistence.

- **Apparent intent of the harasser**

Actual intent is irrelevant; the effect of the act is what is important. The question to be asked is what reasonable people would have meant had they acted in a similar manner. Also important is whether the behaviour was directed at the victim or simply overheard or seen.

- **Relationship of the two employees**

What may be permissible from a co-worker is inappropriate from supervisory personnel and may be more serious and more threatening because of the power relationship. Also to be considered is the nature of the interpersonal relationship. It is important to assess whether or not these people generally have gotten along well, have had an ongoing feud, or have been involved romantically.

- **Victim's provocation**

The behaviour of the victim should be considered but not overweighed. Blaming the victim for causing the harassment is a common pattern that should not be allowed; however, if the complaining employee "provokes" such behaviour, it loses its "unwelcome" connotation.

- **Response of the victim**

It is generally assumed that the victim has some responsibility for communicating that harassing behaviour is unwelcome. This responsibility varies with the severity of the conduct.

- **Effects on the victim**

An evaluation should be made of the effects of the offensive behaviour on the employee. It is important to assess whether or not the employee was embarrassed, humiliated, physically injured, demoted, denied a promotion, or harmed in other ways.

- **Working environment**

Reasonable people usually expect different behaviours depending on the nature of the working environment. Conduct appropriate in a factory may not be appropriate in an office.

- **Public or private situations**

Different types of harassing behaviours could be more or less serious depending on whether they happened publicly or privately.

- **Men-women ratio**

The higher the ratio of men to women in the work environment, the more likely harassment is to occur (Carbonell et al., 1990).

16.6.4 Taking Corrective Action

Once all the parties have been interviewed, and all pertinent documents have been examined, the organisation must decide what action it needs to take to both end any illegal or inappropriate conduct and restore harmony to the work-place.

If you have not already done so, now is the time to thoroughly brief the company's **legal counsel** on the allegation, the investigative steps taken, and the conclusions reached. Counsel should be shown all the documents generated. Thoroughly discuss the situation and alternative outcomes until both of you are comfortable with the proposed result and have planned how to handle any sensitive matters, particularly if termination is a possibility.

Arrange a meeting with the appropriate individuals from **senior management**, making sure that the group is as small as possible and that the manager responsible for the complainant and the accused is in attendance. Legal counsel may also wish to attend. Orally brief senior management on the specific steps of the investigative process. Present your recommendations and ask senior management for a response, once the group agrees on the actions to be taken, meet with the manager whose group is directly affected and agree on who will be responsible for implementing which aspects of the postinvestigation decisions, and when each will be addressed.

Employers have a wide range of options open to them after a sexual harassment investigation is completed. These generally can be grouped into two major categories: (1) those involving the imposition of some form of discipline and (2) those that do not.

16.6.4.1 Non-disciplinary options

Among the options for employer action that do not have disciplinary consequences are:

- Counselling to help individuals cope more effectively with their work situations (16.6.5)

- Mediation to help the parties resolve minor matters together (16.6.6)
- Review guidelines on sexual harassment and/or the company's policy statement
- Redistribution of the company's policy statement to all employees
- Re-education seminars for supervisors and managers (or all employees) about sexual harassment in the work-place (Wagner, 1992).

If the situation is characterised by offensive remarks, with no threats implied, and a complainant who is annoyed but not damaged, one may act rapidly. Tell the harasser to stop. Tell him that further reports will result in disciplinary action. Warn against any retaliatory action directed at the complainant. Follow up the conversation with a letter saying the same thing (Paludi, 1990).

16.6.4.2 Disciplinary options

The level of discipline appropriate in a given situation is affected by a number of factors. Consideration must be given to the severity of the conduct, how frequently it occurred, how pervasive it was, and whether there were prior complaints or incidents that might indicate a pattern or practice of sexual harassment. Possible disciplinary actions to be taken include:

- Suspension of the accused
- Transfer of the accused to a non-supervisory position
- Written warning of termination if another incident or another instance of inappropriate conduct takes place, regardless of whether it rises to a level of legal sexual harassment
- Dismissal.

The vast middle ground of sexual harassment situations is somewhere between cases that require little more than one or two counselling sessions and those egregious circumstances where serious behaviour must be met with serious corporate sanctions.

Future monitoring of the situation in less serious circumstances accomplishes two things. First, the prospect of monitoring should give the complainant some reassurance that her allegations have been taken seriously and that the complained-of behaviour will cease. Second, the monitoring will remind the accused that he has been placed on notice that the organisation will not tolerate sexual harassment of its employees, and that someone with knowledge of this situation will be watching.

If the facts and circumstances warrant, consider placing a memo in the accused's personnel file that states simply that a sexual harassment allegation was raised on a given date, against this individual, and that after a complete investigation, results were inconclusive. In the event a similar situation develops later, this notice may help the employer implement a higher level of discipline than might have been possible without the prior documentation.

One of the ways employers can help themselves in these grey situations is to offer to implement some changes in the complainant's work situation that might increase her comfort level as well as make a recurrence of the problem less likely. These changes might include making permanent any interim measures put into place during the investigation or developing a new approach now that the investigation is over. Usually, this form of relief involves moving of one or the other party to another location or another job function.

If it seems likely that certain supervisory actions were tainted by sexual harassment, give serious consideration to reversing those actions, whether they involve salary increases, promotions, job assignments, or terminations.

When the facts and circumstances lead to the conclusion that there has been a serious breach of the obligation to provide a work-place free of sexual harassment, the employer's response needs to be more serious. In these serious situations, the employer is expected to mete out serious discipline, up to and including dismissal, if warranted (Wagner, 1992).

In situations where the organisational culture prefers **resignations**, call a meeting with the harasser, the investigators, and the responsible administrator. Suggest that

the harasser bring along his attorney. Tell the harasser that the purpose of the meeting is to discuss the allegations informally, before a final report is prepared, and to review what has been discovered to date. Present the harasser and his attorney with a summary of findings. During this session, present to the harasser and the attorney a draft of a statement which will be given when asked for a letter of recommendation. The text could be the following: "You should know that at the time Mr. X resigned, he was under investigation for a charge of sexual harassment. Because of the resignation the investigation was terminated and there was no finding". The statement has two effects: it protects the organisation from legal liability should an ex-employee go on to harass at a new job, and it protects the harasser by limiting what will be said to prospective employers (Paludi, 1990).

The case file should be closed with a copy of the personnel action taken: a termination notice, a notice of transfer, a putting-the-accused-on-notice memo. Any reversals of corporate actions should also be included, with the relevant forms. The investigator's notes of disciplinary or termination meetings, and notes of meetings with senior management and/or legal counsel should also be included. The file should be stored where access is restricted to those directly involved with sensitive employee issues (Wagner, 1992).

Communicate your findings and actions to the parties involved (both complainant and accused). In separate confidential meetings with each party, explain how you arrived at your conclusions. Describe both the procedures involved and the information that swayed your opinion. Explain why you are taking the action you have chosen. Either a human resource professional or a manager can convey the findings to the complainant and the accused, but sincerity, objectivity and credibility are at issue and may determine how the findings are received. A credible, sincere and objective accounting of the decision to the parties involved may prevent additional (perhaps legal) action being taken against the organisation (Lengnick-Hall, 1992).

16.6.5 Counselling

Those who are cited as acting in a manner that another perceives as sexually harassing will require assistance to understand the other's point of view. They will also need help in understanding company policy on harassment and may require referral for more intensive personal counselling (Stead, 1985).

The major function of counselling is to help the woman understand her reactions and work through her feelings so that she can make realistic decisions about how to resolve her situation. The counsellor will need to create an atmosphere in which the woman will feel free to explore and vent her feelings of anger, guilt, and inadequacy (Paludi et al., 1991).

Employees subjected to sexual harassment should be able to seek advice, support, and counselling in total confidence. Employers should consider designating a counsellor to provide advice and assistance covering functions such as:

- Offering guidance on resolving sexual harassment problems.
- Assisting in resolving problems informally by seeking, with the consent of the complainant, a confidential and voluntary interview with the person complained against in order to pursue a solution without recourse to the formal disciplinary or grievance procedure.
- Assisting in submitting a grievance if the employee wishes to complain formally.
- Securing an undertaking, where appropriate, by the person who is the subject of the complaint to stop the behaviour which has caused offence.
- Counselling the parties as to their future conduct where a problem has been resolved without recourse to formal procedures (Rubenstein, 1991).

Counsellors need to familiarise themselves with the **economic and cultural realities** which determine that sexual harassment will be a crisis for a large number of women. The **economic reality** is that most women work out of necessity and have lower-status jobs with less seniority and training than their male co-workers.

Cultural norms dictate that a woman who directly refuses or objects to sexual advances by a man is challenging his masculinity. Other cultural beliefs play into the conflict the woman feels in the sexual harassment situation. The belief that women are responsible for controlling male sexual behaviour as well as their own, may lead the woman to feel she is to blame for any sexual advances made toward her. Another inducement to guilt is the societal pressure for women to put families before jobs. Sexual harassment may feel to the woman like a reminder that she should be at home with her family. Finally, sexual harassment feeds into the negative stereotypes about their own abilities which women are taught from an early age.

Counselling on this issue should provide the woman with an opportunity to vent and explore her feelings, discuss coping strategies, and learn about her legal rights. It is critical that the counsellor frame the discussion by pointing out to the client the social context that stimulated her stress reactions and the numbers of other women who have suffered the same trauma. One of the most effective ways to support and validate her feelings is through short-term discussion groups with other women facing this dilemma. The counsellor should encourage her to describe any stress symptoms she may be experiencing and help her make unrecognised connections between her symptoms and her work situation.

Once the woman has worked through some of her feelings and placed them in perspective she will be able to formulate a set of coping strategies. It is up to the counsellor to encourage a woman to consider a range of solutions on every level rather than counting on the law to save her. In almost every situation it is important to guide the woman to choose strategies that will help her to resolve the situation while at the same time documenting her situation as a form of legal protection. She should be warned not to mar her work record by taking excessive sick days, even though her distress may make it difficult for her to face work (Crull, 1982).

Providing counselling services and an appeal process should help to resolve most complaints so that legal action would not be required (Stead, 1985).

16.6.6 Mediating Sexual Harassment

Often mediation is an effective means for satisfying the grievant while simultaneously educating the harasser. Mediation is appropriate when **desired** by the grievant and also when there is **ambiguity** of evidence. There are many reasons why someone who has been harassed might prefer mediation to a formal hearing or investigation. Among these **reasons** most frequently mentioned by those who have been harassed are: faster resolution; preserved confidentiality; avoid the stress of a hearing; focus on education rather than punishment; and restore relations.

Mediation can be modified for sexual harassment cases, by having individual sessions before joint sessions, and by allowing disputants to be accompanied by an advisor.

Mediation can **accomplish** the following:

- **Empowerment of the grievant**

Mediation can empower a grievant who feels harassed to approach the harasser as an equal, explaining how trust has been violated, and respect lost.

- **Develops negotiation skills**

Disputants learn to take a problem-solving orientation toward their conflicts.

- **Facilitates communication**

Mediation can provide an arena in which people communicate respectfully about differences, thereby reducing hostilities between them. Especially for people who may have to have some continuing interaction after the mediation, mediation can enhance their ability to communicate with one another.

- **Mutually satisfactory outcomes**

Respondents are more likely to be transformed after mediation than after punishment, because they learned through a face to face discussion about the impact of their actions on the person they harassed.

- **Healing**

If mediation is successful, both the grievant and the relation between the grievant and the respondent can be somewhat healed.

- An **increase** in the number of **grievants willing to pursue** complaints

Many grievants report a reluctance to pursue charges through a formal hearing procedure but a willingness to attempt mediation (Paludi et al., 1991).

Although **informal mediation** is the most frequent way of addressing sexual harassment problems, its limitations cannot be overlooked. Ironically, successful informal mediation deceives the work community into not knowing or acknowledging that there are harassment problems. Files are not kept, public knowledge is minimal, and sanctions for an offender are limited. Without some form of record keeping, the same person can abuse individual women one at a time and be given the same "second chance" over and over again. Without an attempt to document the frequency of problems, the organisation can deceive itself into believing that sexual harassment is only a minor issue (Dziech et al., 1991).

16.6.7 *Protect the Victim*

The victim, if left unprotected, is open to reprisals from her harasser. He is in a position to make her working environment intolerable. Offer the woman the use of the corporation's counselling facilities, assure her that her job is secure, and determine if it is possible to move her harasser. If not, try to transfer her.

16.6.8 *Set out a Disciplinary Agenda*

The employer should reinforce the idea that individuals found guilty of sexual harassment behaviours will be disciplined. There is a range of disciplinary measures that management has at its disposal. Consideration should be given to whether or not this is the first complaint, to the seriousness of the offence, to the length of service, and to the job performance of the harasser. The following seven steps are progressively harsh, leading ultimately to the harasser's dismissal.

1. Issue a warning.
2. Insist on counselling for the harasser.
3. Transfer the harasser.
4. Withhold a promotion or work assignment.
5. Lower performance rating.
6. Put on probation.
7. Fire.

However, before deciding upon the appropriate disciplinary action, factors such as the nature of the behaviour, the persistence of the behaviour, whether or not the harasser displays co-operation and willingness to change, should be taken into consideration (Backhouse et al., 1981).

16.6.9 Deal with the Harasser in a Productive Fashion

Employers are much more likely to bring about behavioural changes as that are desired if they don't automatically classify conduct as sexual harassment. Rather, employers are generally advised, at least initially, to focus on the inappropriateness of employees' behaviour without attempting to place a legal label on it. Under these circumstances, employees are much more likely to respond positively to counselling.

Of course, if the objectionable conduct persists, notwithstanding the corrective counselling, or the initial conduct is egregious, then it is more than appropriate for employers to rely on the sexual harassment laws in condemning the behaviour; it is incumbent upon them to do so. But before bludgeoning employees with the law's imprimatur, less drastic means usually should be tried first. In this regard, responding to inappropriate sexually oriented conduct in the work-place should be viewed as part of an employer's general system of progressive discipline. As an employee's conduct becomes more severe, so does the employers response (Segal, 1991).

16.6.10 Remedies to the Victim

In a case where a victim of sexual harassment has suffered a loss, such as a demotion or denial of a promotion, it is appropriate to restore such a person to his/her proper employment position. The victim should also be entitled to receive compensation for loss of benefits such as back pay (Aggarwal, 1987). The damages that could be recovered may not fully compensate the victim for lost employment or promotion opportunities, or some other less tangible assets. This relief may, however, be claimable in terms of the unfair labour practice definition in the Labour Relations Act (Dancaster, 1991). In response to damages for emotional distress and suffering, the employer should specifically state whether he plans to provide for these, and if so, it would be wise to set a monetary limit. Remedies may include a written or oral apology from the harasser. Where the complaint is found to be unjustified, it may be appropriate to grant similar remedies to the respondent.

16.6.11 Appeals

The policy should provide a route by which decisions may be appealed should either party be dissatisfied with the results of the investigation. The policy should outline such a procedure, including the terms, conditions and time limits that are to be adhered to (Aggarwal, 1987).

16.7 Benefits of a Precautionary Programme

The employer stands to benefit in several ways from taking precautionary steps. First, they reduce the chances that sexual harassment will occur. Employees who know the rules and are informed that violations will lead to disciplinary action are less likely to engage in impermissible conduct.

Second, when sexual harassment does occur, the employer will more likely receive prompt notice of it. Supervisors will know that they are to report the conduct, and employees will understand their opportunity to bring the problem to the attention of management.

Third, these steps enhance the possibility that the employer will be able to resolve sexual harassment complaints without the expensive, burdensome, and time-consuming involvement of external parties.

Finally, if an employee does file a claim in court, the employer will have established a record that will go a long way toward defending against liability. It is possible, in fact, that a court would regard the good-faith completion of the foregoing steps as an affirmative defence that would eliminate employer liability for sexual harassment (Baxter et al., 1989).

16.8 Conclusion

Developing a policy that emphasises the employer's commitment to the elimination of sexual harassment and establishing the procedures by which this will be accomplished is the first step in fighting sexual harassment. However, in order to maintain a work-place free from harassment, the employer must ensure implementation of the programmes and plans which have been outlined in the policy (Aggarwal, 1987).

The following **steps** are recommended in fighting sexual harassment:

- Establish a **policy** on sexual harassment and establish a set of procedures to implement the policy (Gutek, 1985).
- Establish a **complaint investigation and resolution process** which is clearly tied to the chain of command but which utilises specialists from core staffing functions like affirmative action, labour relations and legal services; balance complaint resolution teams by race and sex (Spann, 1990).
- Vigorously **pursue allegations** of harassment and act on the basis of evidence found in an investigation (Gutek, 1985).
- Develop **support group** capabilities in departments where harassment and retaliation are difficult to see and control.

- Develop and implement training programmes at every level of the organisation (Spann, 1990).
- Include sexual harassment in performance appraisals and act on those results.
- Promote professional behaviour and professional ambience throughout the organisation (Gutek, 1985).

Harassment cannot be eliminated, but it can be reduced in frequency, intensity and duration. This can be done by establishing in the work-place a culture that exposes, discourages and censures harassment of all kinds. Intervention should have the effect of attenuating the harassment process and limiting what social support it has (Renick, 1980). More generally, it is recognised increasingly that it is not good management to permit a working environment which allows sexual harassment (Conditions of work digest, 1992).

17. INDIVIDUAL ACTION (WHAT WOMEN SHOULD DO)

All women should be able to work in a harassment-free work-place. Sexual harassment needs to be stopped before it results in a woman leaving her job or suffering retaliatory action. Removing harassment from the work-place requires action against both individual incidents and those sexist practices and attitudes at work which foster harassment (Hadjifatiou, 1983).

Harassment is seldom a sudden and violent approach; in the great majority of cases even the direct proposition for sex evolves through a series of increasingly intense encounters. In reaching the point where a demand for sex occurs, the harasser is monitoring the feedback that he gets from the harassee. Apparently there is something in the feedback which has some people never being harassed and others being victims. One of the first steps in de-escalating the problem is for the harassee to analyse the kind of feedback that she gives to the harasser. Feedback can be advertent or inadvertent. It says, "Yes, I'm interested," or, "No, that isn't quite what I had in mind" (Meyer et al., 1981).

All of the many different means that women use in fighting back against sexual harassment can be grouped into four general strategies: we **react against** it in an attempt to rebuff the intrusion on us that it represents; we **join in**, in order to neutralise its imposition on us; we **let it pass**, pretending that it isn't there; and we do things to **avoid** its occurrence when we see a sexually harassing situation forming on the social horizon (Wise et al., 1987).

Despite possible problems, it is better to do something about harassment than to try and ignore it. It won't go away. Usually, it gets worse (Clarke, 1982). One survey of office harassment victims found that 75 percent of the women who used the silence strategy found that the harassment continued or actually increased. Therefore, victims of even minor harassment should consider some form of action (Quina & Carlson, 1989). Complainants must be willing to take action themselves in a rational and responsible way. To many people this may seem unjust since it appears to put a double burden on the offended person. This concern makes sense. But it is recommended because it works and because nothing else really

works as well. Moreover, it helps offended persons to focus their anger outside themselves instead of becoming sick or depressed, which often happens otherwise. Finally, such measure may be the only way to obtain evidence for management (or the courts) to act on (Rowe, 1981). The best strategy is to put a stop to it long before things get out of hand (Clarke, 1982). Women must learn about sexual harassment and become acquainted with the people/department assigned responsibility for this issue. Reading the policy and procedures for sexual harassment complaints is essential. Women should talk to colleagues and check the company "grapevine", as well as be alert to warnings about men who pursue inappropriate relations with women (Dziech et al., 1990). Persistent harassment has long-term consequences for work performance and health. Immediate action following an initial incident of harassment is more likely to be effective than hoping it will stop; later, the only practical solution may seem to be leaving the job. But there are individual actions that a victim can take (Hadjifatiou, 1983).

The **aims** of individual action are:

- To give the offended and offender a chance, usually for the first time, to see things the same way. Since neither person may have any understanding of how the other sees the problem, discussion may help. Entry of a third party at this stage usually further polarises the views of the opposing persons.
- To give those who are wrongly accused the chance to defend themselves.
- To give those who are correctly, or to some extent correctly, accused the chance to make amends. (This may not be possible in serious cases.)
- To provide some evidence of the offence, since usually there is no substantive evidence at all. This step is vital if management or the courts must later take action.
- To give aggressors who do not understand what they were doing a fair warning, if this is appropriate.
- To provide the offended employee a chance to get the harassment stopped without provoking public counterattack, experiencing public embarrassment,

harming third parties, damaging the company's reputation, or causing the aggressor to lose face.

- To provide offended persons a way to demonstrate that they tried all reasonable means to get the offender to stop. This step may be convincing later to supervisors, spouses, and other who become involved.
- To encourage ambivalent complainants, as well as those who have inadvertently given misunderstood signals, to present a consistent and clear message.
- To encourage those who exaggerate to be more responsible (Rowe, 1981).

17.1 Avoiding Harassment

The most common reaction to a complaint of sexual harassment is that a woman "asked for it". While it is unfair that the victim rather than the harasser should have to modify her behaviour, the victim's credibility when making a complaint may increase if she cannot easily be accused of provocation or of misleading the harasser. At the same time, taking avoiding action may reduce the number of occasions when harassment could occur.

- Don't! No matter how tricky the situation, it will become worse if you give in. You will be even more defenceless afterwards, and may suffer self-blame and remorse. If it becomes known, you may lose your job, while the man gets off free, or is envied or admired by some of his male colleagues.
- Don't overreact and see every man as a potential harasser. Try to build relations of mutual respect and trust with colleagues and bosses. If they know you and respect your principles, they may be able to defend or support you if necessary (Prekel, 1992).
- Try to keep your relationship with the harasser on a professional level. Ensure that there are valid business reasons for lunches and after-hours meetings, and avoid the friendly chat after work.

- If you are asked to work late, try to arrange this when other people are also working. If you do not want to stay, make an excuse on the grounds of a previous engagement, etc.
- If you have to work in the same room as the harasser, leave the door open or arrange for a co-worker to interrupt from time to time. Better still, find a pretext for transferring your work to a more crowded area.
- Avoid asking for special treatment which may make you indebted to the harasser. Try not to do personal favours for him, which are beyond the specific requirements of your job.
- Avoid talking to the harasser about your personal life. If you are upset, he may take this as an invitation to comfort you. At the same time, politely refuse to discuss any of his personal problems.
- Think about what you wear. Although the harasser will make advances regardless of your dress, it is easier to get support from others if your clothes are considered suitable for work. Avoid giving anyone the excuse not to take you seriously (Hadjifatiou, 1983).
- Be professional in behaviour and discussions at work. It's safer to seem a prude if it saves you the hassles of harassment. Focus on being a competent person at work and save your naughty jokes for your social life (Prekel, 1992).
- If you are in the company of men who are telling sexist jokes or anecdotes (or engaging in any sexist behaviour), show your displeasure. Don't join in (Broomberg, 1993).
- Make it clear where you stand. Don't play along with a flirtation, even if it seems to be a joke. Your message must be unambiguous.
- Playing deaf may help. If you pretend not to hear or understand a "pass" or a suggestion, the man may back off. Sometimes it works to treat the "pass" as a joke, but there is the risk that the offender will think you are interested (Prekel, 1992).

- If a situation is uncomfortable and you don't feel you want to tackle it head on, act as though you are distracted or busy. Also move away from the harasser (Broomberg, 1993).
- If you sense a possible problem, avoid situations that could create an opportunity. Accept an invitation for lunch or tea rather than for dinner or cocktails. Travel in your own car if possible, so that you are independent. When going on a business trip together, stay in a hotel of your choice if possible, and make your own plans for the evenings, even if these include an early night. Go out in a group, rather than in a twosome.
- If a man is persistent, it may help to befriend his wife. If he fears that she may hear of his behaviour, he may decide to fish in safer waters.
- If there's no other way out, do not be too afraid of offending the offender. Langenhoven said, "If someone demands something to which he has no right, do not be afraid of insulting him by refusing - because he already insulted you by asking."
- Gain assertiveness skills. Then you are able to state your feelings, beliefs and preferences without being rude or offending the other person. Know your rights and principles, and stand up for them.
- Have answers ready for possible approaches. Examples are: "Casual relationships are against my principles"; or "I believe personal relationships at work can only cause problems for all concerned". State your case without rejecting or insulting the other person; but you need not apologise or give reasons. Sometimes a simple, persistent "No" will eventually get through (Prekel, 1992).
- If you have to walk past a pack of men who will probably throw comments your way, greet them formally. This way you set the tone for any interaction.
- Show your displeasure non-verbally by shrugging off the attention, flicking away an unwanted touch or holding up your hand to establish some distance.

- Remind the harasser of your rights and name his behaviour: "What you are doing is sexual harassment and it is illegal. If you don't stop, I am going to lay charges." (Broomberg, 1993).

17.2 Direct Confrontation

You could deal with the harasser directly, telling him you are not willing to go along with the sexual come-on. Women can reject sexual harassers' advances in a number of ways - ranging from a disarming joking response to a blunt no (Backhouse et al., 1981). You could stop the behaviour cold with a remark that would put him in his place. Or you could show displeasure by being stiff and formal with him. But tell him about his behaviour, not about him as a person. The emphasis is on the action, how you feel about it and why. It says nothing about the person and leaves the door open for a continuing relationship. You can deal with the situation in an honest and open fashion (Meyer et al., 1981). You do not need to apologise for what you are saying, nor to smile while you express your objections to the behaviour. If you do smile, you may cancel out the force of what you are saying (Kitzinger,).

Most women find it easier to use a low-key, diplomatic approach in turning down these advances. They are more familiar with evasive ruses than blunt rejections, since the former more closely resemble the dating patterns they have been using all their lives. These patterns are reinforced with the recognition that the man's ego must not be bruised if the woman wishes to continue working with him. However, the problem with the polite response is that the no may be misinterpreted as a maybe. The tougher tactic - the blunt no - is also problematical. Most women find it upsetting to use this method in a normal social setting between equals. In a hierarchical work structure, telling your boss in no uncertain terms that you object to the sexual advance puts you in a precarious position. Furthermore, the stern rebuff only stops fledgling harassers, amateurs in the sport. No full-fledged harasser worth his salt will be deterred. A reluctant victim only presents a more interesting challenge (Backhouse et al., 1981).

Confront the harasser in private; challenging his behaviour in front of other people clouds the matter, requiring him to consider not only his own reaction but theirs as well. The manner in which you deal with the harasser, the setting, and the words you use can give you control of the situation and give him the opportunity to emerge from the confrontation with dignity. The remark may startle him, frighten him or make him angry. Be prepared for his reaction. Be prepared to tell him that you really want to maintain a good relationship with him, that you enjoy your work, but that you really become uncomfortable when something like a back rub occurs. To you it implies a relationship that does not belong in the office (Meyer et al., 1981). Use "I" messages, e.g. "I feel uncomfortable when ...". If this is not the first occurrence, explain why you said nothing previously, e.g. "I didn't want to offend you...". Experts note that sexual harassment often starts off in its milder forms and escalates because the harasser assumed there was no objection to the earlier behaviours. Therefore, it is extremely important that people speak up early (Lightle et al., 1992). Be prepared to listen, too. Hear what he says in reaction to your statement. You may initiate a dialogue that will clear the air, or you may find that he does not want to talk about your remark. That is okay, too. He won't forget what you said and after he has had some time to think about it, he will probably see your point.

This may be a new skill for you, trying to change someone else's behaviour. The most important thing to remember is that you want to stop an action. Remember, feedback can also extinguish behaviour. Concentrate on discussing that behaviour and your feelings and/or reactions to it. You do not want to put the harasser down as a person, you want to stop his behaviour. Dealing with the situation in this way is honest, straightforward, non-defensive, and gives the harasser an opportunity to come out of the confrontation with dignity. This is important for your future relationship with him. If you yell at him or degrade him, he must react, either defensively or offensively, and you are both going to lose. By your choice of words you can show him that what you do not like is something he is doing, not him (Meyer et al., 1981). A private, written note, repeating what was stated earlier in conversation may be appropriate. Privacy is the important thing at this stage. Then,

if the inappropriate behaviour ceases, the relationship can continue positively (Lightle et al., 1992).

When these confrontation methods fail, the next step is to threaten your harasser. You can threaten to expose him publicly to his superiors in the organisation. You can tell him that you are prepared to engage a lawyer and take legal action. You may have no intention of carrying out these threats, but you can use them for their shock value (Backhouse et al., 1981).

The professional and personal repercussions of confronting a sexual harasser may seem overwhelming, but direct action is your first, and perhaps best, line of defence. It is essential to present an unequivocal objection and to let perpetrators know that you will turn them in if their behaviour doesn't stop.

The following flow diagram by Stephen Pollan and Mark Levine shows the steps that can be taken when confronting a sexual harasser:

ICE BREAKER

Stop working, please, and listen very carefully to what I'm going to say.

IMPLIED THREAT

Your behaviour towards me - I'm talking about (give specific examples) - is totally unacceptable, and it must stop. I'm sure you would prefer that no-one else hears about your unprofessional conduct.

YOU'RE OVERREACTING

Come on, relax. You're overreacting. It was just a joke. Why don't you cool off a bit.

I'M SORRY

I'm really sorry - I didn't mean anything by it - I was joking. Can't we just forget the whole thing?

YOUR WORD AGAINST MINE

Oooh, I love it when you're angry. But seriously, love, it is your word against mine. Who'd believe you?

REFUSE TO CO-OPERATE

This is no joke and we both know it. I come to this office to work, not to be humiliated and embarrassed. Ours is supposed to be a business relationship.

PUT HIM ON NOTICE

I hear your apology, but there's no excuse for that kind of behaviour. I've prepared a memo outlining what happened, but I'll hold on to it for now and give you one last chance to get your act together.

BEAT HIM TO THE PUNCH

I thought you might respond this way, so I spoke to the personnel manager before I came here. She told me to speak to you before I filed a formal complaint.

YOU'RE TOO SENSITIVE

Hold on a minute - I've just told you I didn't mean anything. I think you're being way too sensitive, blowing this whole thing out of proportion.

YOU CAN'T HURT ME

You don't scare me. I can make your life miserable here and do a real number on your reputation - both professional and personal. So go ahead, file your complaint. Nothing will happen to me

IMPLY LEGAL ACTION

That's not what my attorney said. Think it over (Levy, 1994).

17.3 Keeping a Written Record

It often helps the offended person to keep a diary, a careful log of events and feelings. This may serve to affirm the sanity of the writer, who otherwise may begin to doubt the reality of the situation, especially if co-workers are unaware or unsympathetic. Writing in a diary will help to turn anger outward and will provide clues for responsible action by the offended person and by management. It can provide legal evidence as well (Rowe, 1981).

Collecting evidence of harassment will enable you to make a complaint or refute unsavoury allegations at a later date. Written evidence would also be helpful at a hearing. Keep a diary or notebook handy to record each incident. You should record:

- date of incident
- location of incident
- time of incident
- nature of incident (actions and comments of harasser)
- your response
- your feelings at the time
- name of any witnesses.

Prepare for any possible backlash by also keeping a record of your own work. Note down the jobs you are asked to do and any problems which arise in completing them. Record any comments you receive about your work, particularly when you are praised for working well. This information will be useful if the harasser tries to destroy your credibility following a complaint. Make sure you keep all this information in a safe place (Hadjifatiou, 1983). Whatever you do, do not be insubordinate! In fact, resist any temptation or other pressure which may cause you to allow your job performance to slip. It will only weaken your case (Meyer et al., 1981). Look for witnesses who have seen the sexual harassment and remind them

of the implications of what they have witnessed. Ask them if they would be prepared to support your case and testify on your behalf (Backhouse et al., 1981).

17.4 Complaining

As soon as possible after the harassment starts, you should make it clear you do not like this behaviour. A simple statement will do, such as, "Mr Jones, I do not like you touching me, so please can you stop." This may be the first time anyone has mentioned it and it could be enough to change the harasser's behaviour (Hadjifatiou, 1983).

If you leave it too long it will become more difficult to find the "right" opportunity and the harasser may feel he has more grounds for saying you enjoyed it. If the harassment continues, you will need to consider more formal methods of complaining. You could do this in a number of ways.

1. Approach the harasser for an **informal discussion**, taking a friend with you. Remain standing and state your objections forthrightly. Outline the occasions when you have been harassed, make it clear you want the harassment to stop. Say that although you would prefer to keep the matter private, you would make a formal complaint if necessary. Make sure the harasser is clear about the sort of behaviour which offends you (Hadjifatiou, 1983). If he apologises, acknowledge the apology but don't accept it. Instead stress that your actions will depend on his future conduct. If he either threatens or patronises you, restate your objections firmly, ending with the threat of legal action. Make sure you have the last word by walking out of the office as soon as you have finished (Levy, 1994).
2. **Write a letter** to the harasser indicating your concerns (Hadjifatiou, 1983). A polite, low-key letter (which may necessitate many drafts) is recommended. The letter could consist of three sections:
 - A factual account of what happened.

In this section, it is recommended that the factual description of the events that took place be non-evaluative. This section should be as

detailed as possible, including dates, places, people present, and a description of the incidents.

- A description of the way the writer feels about the events that occurred and what damage she thinks has been done.

In this section, the writer needs to document feelings about the events described in the first section, such as dismay, misery, distrust or revulsion and includes the writer's opinions or thoughts about what happened. The writer should mention any perceived or actual costs and damages.

- A statement of what the writer wants to happen next.

In this section, the writer needs to express what she would like to happen next. For example, "I don't ever want you to touch me or hug me again."

This part may be very short since most writers usually just want the behaviour to stop (Paludi et al., 1991).

If you think you were partly to blame for the situation, then you should say so. For example: "I am aware that my behaviour at the office Christmas party was provocative or could have been misinterpreted, but I now want us to have a formal and professional relationship" If there were any threats of any kind, you must ask for them to be withdrawn in writing (Read, 1982).

The following is also recommended:

- Deliver the letter in person or by registered/certified mail to know that it arrived and when it arrived.
- Do not send copies of this letter to the press.
- Keep at least one copy of the letter.
- Do not discuss the letter with the harasser if you do not want to (Paludi et al., 1991).

Usually the recipient simply accepts the letter, says nothing, and reforms his behaviour. Sometimes there is an apology, an astounded opening of

discussion, or a denial. Rarely will the recipient reply in writing to "set the record straight" (Rowe, 1981). While the harasser is unlikely to reply, you have ensured he is aware of the situation and cannot later claim ignorance (Hadjifatiou, 1983). Obviously, it is now more dangerous for the recipient of such a letter to harass the employee. The letter constitutes an attempt to settle the problem peaceably (Rowe, 1981).

Writing a letter to the harasser can be a successful individual strategy because:

- it helps the victim gain a sense of control over the situation;
- it breaks a pattern of silence the victim may have kept out of fear of retaliation and/or disbelief;
- it maintains confidentiality;
- it provides harassers with information about the way their behaviour is being interpreted by another individual;
- it most likely avoids formal charges and a public confrontation;
- it suggests that the victim is willing to take action to stop the harassment (Paludi et al., 1991).

A good letter is useful if the complainant later feels the need to appeal to high-level management, especially if the writer can prove it was delivered. It can also, if necessary, constitute invaluable legal evidence. Even if a written order or request to stop harassment does not succeed, the complainant is always better off for having tried to stop the offence in a direct and unambiguous way (Rowe, 1981).

3. The harasser may stop if he is aware that other people know about his behaviour. **Ask someone outside work to write a letter**, possibly a relative, doctor or solicitor, outlining your complaining and demanding that the behaviour ceases.

4. If your work-place has a **formal complaints (grievance) procedure**, use it. Your written record will be important here in persuading the personnel officer to take your case seriously. You will need to overcome initial reactions such as, "Mr Jones is a family man; he wouldn't do anything like that", or "Come on now, a grown woman like you should know how to handle that".
5. If possible, ask to **discuss the complaint with a woman manager**; while this will not guarantee a sympathetic hearing, women are more likely to know what you are talking about and you may feel more able to speak openly and without embarrassment. In any interview with management, it is a good idea to take a friend with you for support; most formal procedures allow you to do this.
6. You may eventually be asked to appear at a formal grievance hearing within your work-place, where you should **produce your written evidence and ask your witnesses to speak on your behalf**. Members of senior management should hear what you have to say and agree to investigate your complaint.
7. You should tell management **what action you want them to take** in dealing with the harasser. You may not only want him to stop harassing you but also to be moved to another job. Alternatively, you may prefer to move. If you offer to do this, make sure your new work situation is no less favourable than your previous one.
8. Even if there is no formal complaints procedure, you should **formally report your complaint to someone and keep a copy**. If the harasser is your employer, speak to someone else in senior management.
9. Management may well try to **delay investigating your complaint**. They may be unsure about how to best raise it with the harasser, or unwilling to discipline one of their colleagues. To make sure some action is taken, tell management **you will contact them again in a few days** to find out what has happened. Take the same friend with you each time you meet management; this will make it harder for them to go back on any statements they have already made to you.

10. Inevitably, your **work environment will be unpleasant** while your complaint is investigated. Management and co-workers may try to persuade you to forget about it; you may also find yourself closely supervised. Don't give up. Do not let others convince you the incidents never happened. You know you have been harassed and you have letters and evidence to prove it.
11. Hopefully, management will uphold your complaint and take some action against the harasser. If they do not, you will need to decide what other action, if any, you want to take. If continuing to work with the harasser is making you ill, you may feel the only option is to leave (Hadjifatiou, 1983). But if you are out of the work-place, there is little pressure on the employer to resolve the complaint. It will be to his advantage to procrastinate. Time will work against you. Your case will drag on and you will have no income. The company may stall, figuring you may give up, or settle for less (Clarke, 1982).

This is not an easy thing to do as few of us want to carry around the guilt of knowing someone was reprimanded or lost their job over a complaint that we made, even if they were the ones who behaved improperly. But, if enough people across the country can find the courage to directly confront those who harass them, then maybe sexual harassment will become a thing of the past (Paludi et al., 1991).

17.5 Reporting Sexual Harassment

Whether to report sexual misconduct that is interfering with the work-place is a difficult decision. If you conduct yourself in a professional manner and understand how the process works, your task will be easier. If you communicate clearly, you can reduce and even eliminate any hint that you might be saying something for personal gain.

Before reporting:

- Do a quiet check beforehand and make sure you are going to the right place to report it.

- Reflect on the reason you feel you need to report someone else's behaviour. Reporting someone else is a serious action, and you must be confident in your need to take such a step.

Make an appointment, even if it is only for later in the same day. Make it official business. Making an appointment will allow the other person to give your concern the proper attention. You will also alert that person that you have something important to discuss. If you just show up unexpectedly, your action could be viewed as impulsive, and may not be taken as seriously. Arrange for the meeting to take place in a quiet office or area in which you feel comfortable. Be sure the setting is professional.

Before you go into the meeting, sort out your feelings and be very clear about what you are going to say. This is no time to be vague. Use words that say what you mean - and say them in a way that reveals that you mean them.

Example

The opening: "I appreciate your taking the time to talk to me about a problem I am experiencing here at work. I am coming to you because Jack's behaviour toward me is interfering with my ability to perform my job".

The facts: "Last week, while I was working late on the Dynamics proposal Jack said ..., or did ..., to me ". "Then he said ..., and I responded by telling him to leave me alone".

Your feelings: "Mr Green, I was shocked and deeply offended by Jack's actions. This type of behaviour is offensive to me and makes it very difficult for me to do my job".

Team player reinforcement: "As you know, I take my job and my position with this company very seriously. I normally enjoy my work and have found this to be a great place to work. I came to you because I knew that I could talk

to you and that you would understand. I wanted to do the right thing".

Asking for help: "I am asking you to help me solve this problem. I don't believe I can handle it by myself. I need your help in correcting Jack's behaviour and preventing it from happening again".

As part of your appeal for help, include the following:

- Set up a follow-up meeting.
- Document your conversation.
- Confirm with the person you reported it to that he or she was the right person to discuss your grievance with.
- Be definite about the kind of help you are seeking.
- Let your employer know you are amenable to working things out. It is not the company you are upset with - it is the individual(s).
- Carefully let your employer know that you found the behaviour so serious that you felt the need to document it and have kept a journal of times, dates, and the nature of the incidents.
- Without any hint of a threat, let the person to whom you are reporting know that you expect the behaviour to be corrected.
- To prevent the manager you reported the incidents to from joining forces with the manager you are reporting, it is a good idea to send a written and confidential follow-up letter to him or her that basically reiterates the problem and your concerns. This legitimises your report and protects you from management collusion. Keep the tone of your letter positive. Thank the person for his or her time and concern (Neville, 1990).

17.6 Retaliating

Some women have found the best tactic to stop harassment is to humiliate and embarrass the harasser so that he understands how you feel. However, retaliatory action can make matters worse and should only be tried after careful consideration of all the possible consequences. Retaliation is unwise unless **you have the support and understanding of co-workers**, who will either join in the action or at least accept the reasons for your own behaviour. If you act alone the harasser also may misunderstand your actions for interest in his advances. Should you finally be forced to take your case to court, your acts of retaliation could be used by your employer to undermine your case.

Some of the ideas women have tried are:

1. When the harasser makes a sexual comment or approach, speak out loudly so that everyone can hear. The harasser may be shocked at his behaviour being so publicly acknowledged.
2. Talk with co-workers about the harasser's behaviour when he can overhear. Make it obvious you think he is pathetic. Men hate being laughed at.
3. Reverse the harasser's behaviour so that you behave towards him as he does to you (Hadjifatiou, 1983).

A group of you could take on the harasser, and tell him unless he stops it right away, you will take the matter further. He may well be frightened by being confronted by a group of angry women (Pattinson, 1991).

17.7 Getting Support

Talk with other women in your work-place. Find out if they too have experienced harassment from the same man. By doing this you will feel less isolated and stop blaming yourself for the incidents. Once you discover you are not alone, you may want to meet regularly as a group to talk about work-place problems and sort out ways of tackling harassment together. Realising you are not alone will bring you confidence to take further action (Hadjifatiou, 1983). Even if the other women have

not experienced it at this workplace, you may find that they have had a similar experience elsewhere, or they know of someone who has (Read, 1982).

Women's networks can help a great deal. If the company has no such structure, a woman should try to form one with the knowledge and approval of management. Management stands to gain from such groups since in-house women's networks usually give strong support to orderly and responsible change (Rowe, 1981). The individual member can gain the courage and skills for handling her problems, moving forward with her growth, or tackling onerous tasks. Seeing others cope with a similar trauma offers the critical element of hope for a better future (Quina et al., 1989).

If the women you work with are not sympathetic, look for support outside work. You could contact a women's group or organisation, or talk to relatives or friends. If harassment is making you ill, tell your doctor about it (Hadjifatiou, 1983).

17.8 Contacting Women's Groups

Women who are harassed at work experience isolation and a lack of confidence. Even when co-workers are supportive, it may be helpful to make contact with women outside work who are concerned about sexual harassment at work. Over the last few years women's groups and organisations have been set up, some specifically to tackle issues of violence against women, others to offer a general network of discussion and support. All these groups take the view that women need to get together to help themselves overcome the disadvantage and discrimination women experience in society. Joining a group is the best way of developing self-confidence and determination. By contacting a group you may find other women who have experienced harassment and who would welcome an opportunity to talk with you about it.

17.9 Assertiveness and Self-defence Training

Women are brought up to be nice, passive, and compliant; they are supposed to service other people's needs. When faced with sexual harassment at work, rather than challenge the harasser head-on, women instinctively resort to familiar feminine behaviour by trying to smooth over the issue or ignoring the unpleasantness. A variety of training courses aimed at making women feel strong are now available.

There are two major types of course:

- **Self-defence classes**

Women's self-defence provides basic training for women to cope with a sudden attack. The aim of the course is to build self-confidence through a recognition of a woman's hidden strength. By making women feel positive about themselves and giving them a sense of power, their ability to challenge violence, including harassment at work, is greatly increased (Hadjifatiou, 1983)

- **Assertiveness training**

Assertiveness can be defined as standing up for personal rights and expressing thoughts, feelings, and beliefs in direct, honest, and appropriate ways which do not violate another person's rights (Bingham, 1991). Assertiveness training provides an opportunity for women to explore situations in which they feel lack of confidence. Training programmes are based on a woman's **assessment** of her own **strengths and weaknesses**. Practical activities set around both everyday and unusual occurrences at work, enable participants to explore different ways of handling tense situations. By developing problem-solving and decision-making skills, women gain confidence in their ability to tackle all types of work-place problems. Having participated in such a course, a woman experiencing harassment may find it easier to tackle the harasser and get him to stop (Hadjifatiou, 1983). An example of an assertive strategy for rebuffing sexual harassment would be telling the harasser directly that his behaviour is inappropriate and insisting that he cease doing it. Assertive responses focus on action, describe rather than label, express the speaker's feelings, and state expectations for the future rather than emphasising what happened. Within this

framework assertive messages are assumed to be more appropriate than non-assertive or aggressive responses (Bingham, 1991).

Assertive messages, however, often may not be effective for managing sexual harassment situations. For example, a woman might respond assertively to her co-worker's sexual proposition, e.g., "No I will not have sex with you, and I think your behaviour is completely inappropriate. This is a work-place and I expect to be treated accordingly." This message is clear, direct, and self-respecting, but also conveys rejection and negative evaluation of the harasser. The harasser may feel his "face" threatened, develop a spiteful attitude toward the woman, and retaliate in some way. Individuals view assertive messages to be competent, but less friendly, kind, likeable, or sympathetic than non-assertive messages.

Assertiveness researchers introduced the idea of **assertive-empathetic statements** as an attempt to reconcile being assertive with being liked and maintaining rapport. An assertive-empathetic message has the components of an assertive message, but also conveys special concern for the other person's feelings and point of view. Adding an empathy component to assertive messages could help eliminate unfavourable evaluations of the message producer and better maintain positive rapport (e.g. "I don't mean to hurt your feelings, but no, I won't sleep with you. I enjoy working with you and I want to keep our relationship strictly professional.")

Assertive-empathetic messages resemble "**politeness strategies**", directed at minimising threat to the harasser's face. It describe the offensive behaviour, telling the harasser how you feel about the behaviour and why, without attacking the person doing the behaviour. It is advisable to make remarks explicitly indicating enjoyment of the job, desire to maintain good rapport, and desire to avoid offending or insulting the harasser (Bingham, 1991).

If a woman is simply an observer of instances of harassment, she should not assume that she is free of responsibility. Harassment flourishes in organisations because it is regarded as the problem only of victims. Women need to consider seriously their responsibility to peers who are harassment victims. This may mean

simply listening to their problem, but some may have to weigh the cost of offering active support in grievance cases (Dziech et al., 1990).

Sexual harassment can be stopped before it becomes a pattern. At the first sign of a male co-worker or boss doing or saying anything which makes you feel uncomfortable, don't ignore it. Make it clear to him how you feel about it (Read, 1982). Realise sexual harassment is fairly common. Unless you invited it, don't feel guilty or blame yourself for the problem. This will only undermine your self-esteem and make you less able to cope with both your work and the harasser (Prekel, 1992).

It is important to avoid stereotyping men and to deal with them as individuals. If some men harass women on the job, that does not mean that all men think it is okay (Clarke, 1982). We may not be able to prevent sexual harassment, but we can diminish its effects by educating women. If women know what sexual harassment is and how it works, they will recognise and confront it sooner (Dziech et al., 1990).

18. OFFICE RULES FOR THE SA MAN

With women, if you don't give in to sex on the job you must be a lesbian, but the reverse is that the man who doesn't engage in it must have a sexual problem. This absolutely has to be challenged. Men also generally do not like other men who take the woman's side. Although this is happening more frequently, this kind of moral commitment to women's rights from a male may be treated by other men with suspicion, ridicule, and disdain (Farley, 1978).

Feelings of vulnerability extend to men - those who do not sexually harass. They perceive themselves to be in precarious positions. They worry that they can somehow be confused with sexual harassers. What should their positions be?

- First, they must acknowledge that sexual harassment does exist and that it does not imply guilt by association. Denial of a problem does not make it go away. Admission that some members of a group behave aberrantly does not mean that all are guilty. The fact is that the distinctions between harassers and their peers are very definite. There are few closet harassers. Most have long, although undocumented, records of clearly questionable behaviour.
- Comments about women's physical appearances are unnecessary (Dziech et al., 1990).
- Beware of touching a female colleague. A tap on the arm to attract her attention is acceptable, but avoid embracing or putting your arm around her (Coleman, 1994). Men should become conscious of their tactual interaction with women especially, and guard against using touch to assert authority (Farley, 1978).
- Don't tell lewd jokes or make suggestive inferences.
- Watch your language! Don't use crude or indelicate language in the presence of sensitive colleagues. The odd compliment is welcome, but if you keep them up on a daily basis, you may give the impression that you are taking too much interest. Keep your compliments off the personal level. Focus on ability rather than a colleague's appearance.

- Don't display too much interest in the personal lives of female colleagues - especially their relationships with their partners.
- Girly calendars and pin-ups may cause offence.
- Winking has definite sexual undertones.
- The office party, designed to establish camaraderie, also encourages sexual overtures. Allow employees to bring their spouses or families along (Coleman, 1994). This will recognise the families' support of employees, besides reducing chances of problem situations developing (Prekel, 1989).
- If you ask an unattached female colleague out, and she turns you down, don't persist. Take no for an answer.
- Kissing sounds, hissing, catcalling, obscene noises and gestures are degrading to most women.
- Teasing and heckling can be disturbing, even if unintentionally so.
- Don't ever put a woman's reaction down to "women's troubles" or PMT.
- Do not offer bribes, opportunities or preferential treatment in return for sexual favours (Coleman, 1994).
- Set an example with your own behaviour: treat men and women even-handedly as colleagues. Focus on individual competence rather than gender.
- Work on an open relationship and mutual trust with all your subordinates, so that they'll feel free to come to you if a problem occurs. If a problem comes up, do not hesitate to take appropriate action (Prekel, 1989).
- If you are unsure about a comment or action, ask yourself how you would react if your wife or daughter was on the receiving end. Or would you be comfortable if your wife, or the husband of your female colleague, was present (Coleman, 1994) ?

18.1 Examples of what is tolerable and what is not

The following are more specific examples of do's and don'ts in the work-place.

- | | |
|--------------------|---|
| Harassment: | "Hey, great legs." |
| OK: | "You look very nice today." |
| Harassment: | Pornography on bulletin boards or lockers, especially with comments about fellow employees. |
| OK: | Keeping pornography at home. |
| Harassment: | Staring up and down someone's body; a pat on the behind. |
| OK: | Making eye contact while speaking; a friendly pat on the shoulder. |
| Harassment: | Repeatedly pressuring someone who refuses for dates. |
| OK: | Asking a colleague with whom you're on good terms to a company-sponsored social event (Newsweek, 1991). |

Most men are uneasy about sexual harassment. Some men are concerned that they might be doing something to offend the women they work with, while others are angry that they even need to worry about it at all. It is a nuisance some men say, that they even have to be bothered with talk of rules about social and sexual behaviour (Neville, 1990). But by following the above "rules", men can be sure that they are playing it safe.

19. CONCLUSION

There is pain in sexual harassment. There is hurt, anger, humiliation and fear. Individuals and whole companies are affected. We cannot ignore it. Each of us must assume some responsibility and work for the elimination of this indecent assault on human dignity (Meyer et al., 1981).

The numbers of women reporting harassment are just too large for sexual harassment to be the work of a few misfit males. This means that sexual harassment is not an aberration; rather, it is an expression of the prevailing male view of women. Men who have grown up with the attitude that a woman is to be taken seriously only as a wife, mother, and sex partner don't change their attitudes just because the woman in question happens to be working with them. When women enter the work force, they challenge male stereotypes about women's proper roles. Sexual harassment acts as a weapon used to remind working women of their "proper role", only by exposing sexual harassment and stripping away the myths that hide it can women hope to win their battle for equal employment (Chapman et al., 1978).

We have seen that sexual harassment is a very complex issue, and that it includes much more than the "sleep with me or lose your job" syndrome. Only after people become aware that something they are doing is offensive to others can they begin to take responsibility for stopping the behaviour. Either personal insight or compatible communication will make this happen.

The fact that men more frequently harass women than vice versa and the fact that men are more often in positions of power are statistical facts and we must proceed from this point. Men alone are not guilty of sexual harassment. Women do, on occasion, harass men.

The most important thing is that we become aware of ourselves and other people at work, that we analyse our behaviour and theirs, and take responsibility for changing behaviour that is unacceptable to us or to others (Meyer et al., 1981).

Sexual harassment is not about seeing those subordinates first and foremost as sexual playthings, there to serve and entertain - and only secondly as workers and professionals who have a role to play in, and a contribution to make to the company or institution. It's not about whether a male worker has the right to pin a picture of a nude on his office wall, it's about his embarrassing and undermining the women in the office. It's not about whether male colleagues can joke, tease or pass comments about fellow workers, it's about whether they see them as fellow workers at all. Finally, it's about those in authority, who at present are usually men, feeling squeezed by the dual pressures of recession and affirmative action, and making more urgent attempts to preserve their territory by belittling, insulting, disregarding and denigrating a significant part of the workforce (Levy, 1994).

Work is critical to women's survival and independence. Sexual harassment exemplifies and promotes employment practices which disadvantage women in work and sexual practices which intimately degrade and objectify women. Sexual harassment at work undercuts women's potential for social equality in two interpenetrated ways: by using her employment position to coerce her sexually, while using her sexual position to coerce her economically (MacKinnon, 1979).

The specific individuals involved, their unique circumstances and the particular details of a case will always be different and have different meanings and interpretations for everyone involved. It is important that sexual harassment not become an anti-male cause of a few women who see this issue as another example of the oppression of women. And it is also important that men consider sexual harassment as a bonefide issue of human dignity and not a feminist attempt "to get them again" (Meyer et al., 1981).

It is difficult to escape the conclusion that sexual harassment constitutes one of the most ubiquitous and damaging barriers to women's career success and satisfaction.

In summary, the central concept of sexual harassment is the misuse of power, whether organisationally or institutionally, in a manner that constructs a barrier to women's occupational pursuits (Paludi et al., 1991). Serious managers must recognise that harassment, whether sexual, gender or racial, is symptomatic of

larger cultural and organisational problems. Common sense as well as existing research suggests that fully integrated work environments exhibit little if any harassment (Spann, 1990).

The problem of sexual harassment cannot afford to go unresolved. With the changing economic conditions and the decreasing emphasis on sex roles, women not only deserve but expect to be treated as equals in the work-place. And as women continue to enter the work force at unprecedented rates, it is imperative that employers reassess their attitudes toward female sexuality and allow women to take their rightful place in the working world, making equal contributions without fear of harassment, exploitation or discrimination (Renick, 1980).

It is already evident that sexual harassment affects the well-being and economic livelihood of women employees, while also affecting the morale, productivity and integrity of the work-place. There are additional reasons why it is essential that all employers should address the problem promptly. The majority of working age women are now in the labour force and their numbers are steadily growing (Aggarwal, 1987).

As working people are finding out, each of us needs to be responsible for the way we act - and react - to others while at work. Careers shouldn't be destroyed, jobs shouldn't be lost, and personal lives shouldn't be shattered because of the failure of both people and companies to respond properly to situations involving emotions and actions of men and women on the job. The problem is very real, but, fortunately, so are the solutions (Neville, 1990).

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CHAPTER 3

RESEARCH STRATEGY

3.1 Introduction

Research design has two basic purposes: (1) to provide answers to research questions and (2) to control variance. Design helps investigators obtain answers to the questions of research and also helps them to control the experimental, extraneous, and error variances of the particular research problem under study.

Research design sets up the framework for study of the relations among variables. Design tells us what observations to make, how to make them and how to analyse the quantitative representations of the observations. Strictly speaking, design does not "tell" us precisely what to do, but rather "suggests" the directions of observation-making and analysis. A design tells us what type of statistical analysis to use. Finally, an adequate design outlines possible conclusions to be drawn from the statistical analysis (Kerlinger, 1986).

The following three aspects are present in the formulation of the research problem:

1. the choice of analysis unit
2. the choice of a research objective
3. the choice of a research strategy.

With regard to the research objective, we can distinguish between the following three types of studies:

(i) Exploratory Research

The goal of exploratory research is to explore relative unfamiliar fields. The objectives of explorations are:

- to gather information about the domain phenomenon;
- to act as a pre-survey to a more structured study of the phenomenon;

- to explicate central concepts and constructs;
- to decide on priorities for further research; and
- to develop new hypotheses about existing phenomena (Mouton & Marais, 1988).

This type of research is characterised by a high degree of flexibility (Tull & Hawkins, 1980). There exists few, if any, formal hypotheses and "soft" methods are often used, e.g. interviews (Lehmann, 1979).

(ii) Descriptive Research

In descriptive research the emphasis is on the description of a specific individual, situation, group, organisation, sub-culture, etc. The emphasis can also be on the description of the frequency with which a specific characteristic or variable is present in a sample (Mouton et al., 1988). Descriptive research focuses on the accurate description of variables in the problem model (Tull et al., 1980), and it is accepted that the relevant variables are known. The hypotheses are of a general nature: x correlates with y . The results are often profiles of harassers versus non-harassers, buyers versus non-buyers, etc. (Lehmann, 1979).

(iii) Causal/Explanatory Research

Causal research attempts to specify the nature of the functional relationship between two or more variables in a problem model. The assumption is that certain variables affect the value of other variables (Tull et al., 1980).

From the above descriptions of the different kinds of research, it seems that this particular study can be described as a combination of exploratory research and descriptive research. The reasons for this being that it has as a goal the exploration of a relatively unknown phenomenon: sexual harassment; from this study new priorities can be identified for further structured research; there exists no formal hypotheses; the emphasis is on the description of the frequency with which sexual harassment exists in the sample; and one of the results is profiles of victims and harassers.

3.2 Survey Research

Survey research (like this particular project) studies large and small populations by selecting and studying samples chosen from the populations to discover the relative incidence, distribution, and interrelations of sociological and psychological variables. Surveys covered by this definition are often called *sample surveys*. Survey researchers are interested in the accurate assessment of the characteristics of whole populations of people. Only rarely, however, do survey researchers study whole populations: they study samples drawn from populations.

Surveys can be conveniently classified by the following methods of obtaining information: personal interview, mail questionnaire, panel, and telephone. The principal method of gathering information is by using a **schedule or questionnaire**.

3.2.1 The Methodology of Survey Research

The most important contributions of survey research, perhaps, have been the rigorous sampling procedures, the overall design and the implementation of the design of studies, the unambiguous definition and specification of the research problem, and the analysis and interpretation of data.

First, the general and specific problems that are to be solved are as carefully and as completely stated as possible. The next step in the flow plan is the sample and the sampling plan. First, the universe to be sampled and studied must be defined. Once the universe is defined, a decision is made as to how the sample is to be drawn and how many cases will be drawn. The next large step is the construction of the interview schedule and other measuring instruments to be used. The main task is to translate the research question into an interview instrument and into any other instruments constructed for the survey.

Data collection is the second large part. The third large part of the flow plan is analytical. The responses to questions are coded and tabulated. The analyses of the data are studied, collated, assimilated, and interpreted. Finally, the results of this interpretative process are reported. This precise methodology of survey research will also be followed in this study.

3.2.2 Advantage and Disadvantage of Survey Research

Survey research has the advantage of wide scope: a great deal of information can be obtained from a large population. Survey research information is accurate - within sampling error, of course. With these advantages go inevitable disadvantages. First, survey information ordinarily does not penetrate very deeply below the surface. The scope of the information sought is usually emphasised at the expense of depth. A second weakness is a practical one. Survey research is demanding of time and money. Surveys on a smaller scale can avoid these problems to some extent. Any research that uses sampling is naturally subject to sampling error. Survey researchers also requires a good deal of research knowledge and sophistication (Kerlinger, 1986).

3.3 Sources of Information

The research methodology used in this study, comprises two separate but complimentary sources of data:

1. secondary data; and
2. primary data.

Secondary data is already published data, that serve as background for the planned research. The secondary research in this study comprises the extensive review of published and unpublished literature relevant to the issue of sexual harassment as a basis of assembling and integrating material pertinent to the formal survey.

Primary research is usually undertaken when the information available from secondary sources is inadequate or inappropriate to solve the problem at hand. Primary research is the process of obtaining information directly from the primary source of information. This data is gathered to attain the specific research goal(s). Primary sources include qualitative research, surveys, and experiments.

In this particular study survey research has been used to obtain primary information. It entailed the systematic gathering of information from the respondents, to comprehend and/or predict a certain aspect of the specific population's behaviour.

The methodological considerations of this survey to investigate sexual harassment in the work situation, focused on the female employees of a very large transport company, with a workforce which is very representative of the population demographics. However, as it is the intention of this study to provide a comprehensive investigation of sexual harassment, it will be incomplete without examining male and female employees' perceptions of sexual harassment and the extent of the problem.

Hence, the primary research involved a two-phase approach:

1. an exploratory study of male and female employees' knowledge, attitude and opinion of sexual harassment; and
2. a survey among female employees to determine the extent of the problem, profiles of victims and harassers, reactions to the harassment, reasons for non-reporting, and the effects of sexual harassment on the victim.

3.4 The Exploratory Study

Exploratory research is an attempt to determine whether or not a phenomenon exists. Exploratory questions tend to be rather general, but that does not mean they are necessarily frivolous or uninformative. At the very least, exploratory research satisfies personal curiosity, but good exploratory research also has heuristic value. It stimulates researchers to conduct even more research. Nearly any question about the existence or nature of human behaviour, or the lack thereof, is an appropriate question for exploratory research (Dane, 1990).

Briefly, therefore, the exploratory approach is used to stimulate ideas; and so ideas, concepts and hypotheses are evolved that have to be tested in further research. This approach therefore facilitates further research, but it does not lead to conclusive results and must be seen as a component of the research process.

The first phase of this empirical study involved a survey among male and female employees in a large transport company, using a self-developed questionnaire to determine their understanding and perception of sexual harassment.

3.4.1 Methodology of the Exploratory Study

3.4.1.1 Drawing the Sample

Only rarely do survey researchers study whole populations: they study samples drawn from populations. Sampling means taking any portion of a population or universe as representative of that population or universe. From these samples they infer the characteristics of the defined population or universe. The study of samples from which inferences about populations can be drawn is needed because of the difficulties of studying whole populations.

There are many ways by which a sample can be selected. Two major categories of sampling can be distinguished, namely probability and non-probability sampling. **Probability samples** use some form of random sampling in one or more of their stages. (Random sampling is that method of drawing a portion (or sample) of a population or universe so that each member of the population or universe has an equal chance of being selected). **Non-probability samples** do not use random sampling.

Probability sampling includes a variety of forms. The most general of these are stratified sampling, cluster sampling and systematic sampling. Non-probability sampling includes quota sampling, purposive sampling and "accidental" sampling (Kerlinger, 1986).

The universe for the exploratory study can be regarded as all the employees of the corporate office, and the different business units and divisions of the transport company. The size of the workforce (approximately 115 000 employees), however, makes it too extensive to be practical and therefore a sample must be drawn.

By using stratification the population is divided into homogeneous sub-groups (strata) of which the relative size is known. The strata are mutually exclusive. Stratified random sampling is accomplished by using random selection separately for each sub-group in the sampling frame. The sub-groups within the sampling frame are treated as though they were separate sampling frames themselves. By using stratified random sampling, the researcher can be sure that the sample will

contain equal or some other proportionate numbers of males and females (Dane, 1990).

When uniform sampling fraction is applied on all the strata, it is called proportionate stratification. This means that the proportion of n (the amount of elements in the sample) to N (the amount of elements in the population) is the same for every stratum (Crimp, 1981). By using proportionate stratification, the researcher ensures that the correct proportion is selected from every stratum and thus the sampling error for the variables which are related to the grouping method, is diminished (Hoinville, Jowell & Associates, 1978).

The sample consisted of 944 female and 770 male employees. Females were oversampled because they were the sub-population of most interest.

Surveys - especially self-administered ones - make very large samples feasible. Surveys of 2000 respondents are not unusual. A large number of cases is very important for both descriptive and explanatory analyses. Wherever several variables are to be analysed simultaneously, it is essential to have a large number of cases (Babbie, 1989).

3.4.1.2 Designing the Questionnaire

Data-collection methods can be categorised by the degree of their directness. Most of the data-collection methods used in psychological and sociological research are relatively direct or moderately indirect. Questionnaires are ordinarily quite direct. This is both a strength and a weakness. It is a strength because a great deal of the information needed in social scientific research can be obtained from respondents by direct questions. There is information, however, of a more difficult nature that respondents may be unwilling, reluctant, or unable to give readily and directly, for example, information on income, sexual relations, and attitudes toward religion (Kerlinger, 1986).

That certain topics or items may be sensitive, however, does not automatically mean that you will be not able to obtain information. Anonymity or confidentiality can facilitate respondents' willingness to reveal such information. Kinsey and co-

workers (1948, 1953) were able to obtain interview responses on a topic as sensitive as sexual practices, and Hunt (1974) was able to obtain questionnaire responses on the same topic.

When dealing with a sensitive topic such as sexual harassment, respondents should be gently led toward the more sensitive items, not hit over the head with them. The more sensitive items should be placed toward the end of the section. The term "sexual harassment" should thus appear more toward the end of the questionnaire, in order for the respondents not to be influenced by the term (Dane, 1993).

A structured questionnaire, using a combination of factual and precoded questions, was constructed, seeing that no existing instrument measures all the different aspects of this study. The following criteria for question-writing have been taken into account during the construction of the questionnaire:

- Is the question related to the research problem and the research objectives?
- Is the type of question appropriate?
- Is the item clear and unambiguous?
- Is the question a leading question?
- Does the question demand knowledge and information that the respondent doesn't have?
- Does the question demand personal or delicate material that the respondent may resist?
- Is the question loaded with social desirability? (Kerlinger, 1986).

The questionnaire was printed in booklet form and was constructed in English and then translated into Afrikaans to cater for a broader spectrum of people (especially in the light of the current sensitivity of languages). The questionnaire consisted of 12 pages and included the following:

- the outside cover
- the cover letter
- demographic data
- assumptions with regard to women in the workplace
- opinions about sexual harassment
- attitudinal items concerning sexual harassment
- the current workplace
- the gender composition of the workplace.

The **outside cover** was printed in colour on high quality paper. It depicted a man sitting on a heap of money and stating that you could win R500 for just 30 minutes of your time. The idea of a reward arose to encourage people to complete the questionnaire and in that way get a higher response rate. The cover also did not give away the subject of the questionnaire, but rather gave an interesting picture which could catch people's attention.

The **cover letter** briefly explained the reason for the study and what it is about, without mentioning the words "sexual harassment", which could bias people from the start, and which I did not want. It also stated that I am interested in sexual relations between men and women, in order to exclude homosexual sexual harassment. Then it was explained how to win the R500 if the questionnaire reached me before 20 October 1995. The anonymity of respondents and the confidentiality of the study were emphasised to further encourage people to take part in the study. Feedback of the results of the study was promised to give people a sense of meaningfulness concerning their participation. The researcher's full address and telephone number were supplied in case people had questions regarding the questionnaire, or even if they wanted to talk about their experiences.

The next part asked questions about the respondent's **demographics**. This data was important to distinguish between the opinions and attitudes of men and women, to determine if people from different cultural background have different opinions and attitudes toward sexual harassment and to look at the possible differences between people from different age groups, occupational groups, marital status, etc. The questions were provided with a few general alternatives from which a respondent just had to choose his/her answer and indicate it by means of a cross (x) in the appropriate block.

Following this was a part on general **assumptions** that are frequently held about women in the workplace. The respondents were asked how they felt about women in the workplace and had to use a five-point Likert scale to indicate if they agree or disagree with ten assumptions. The five points that were provided were: (1) disagree strongly; (2) disagree; (3) neutral - neither agree nor disagree; (4) agree; and (5) agree strongly. The purpose of this rating scale is to place an individual somewhere on an agreement continuum of the assumption in question. This rating scale also allows for the intensity of expression.

The next part dealt with respondents' **opinion** regarding sexual harassment. In an effort to determine the extent of recognition of the term sexual harassment and people's willingness to apply such a label to particular behaviours, the following question was asked: "Recently there has been some interest in what has been called **sexual harassment** at work. I would like to find out just what the term sexual harassment means to you. I want your opinion of whether or not you consider each type of incident as sexual harassment..." This is also the first time that the term "sexual harassment" appeared in the questionnaire. It was emphasised that sexual harassment usually refers to harassment of women by men. Respondents had to use a five-point scale again to indicate whether they considered 17 different incidents as sexual harassment. The five points provided were: (1) this definition is not harassment; (2) this could be called bad taste; (3) this definition is ambiguous; (4) this constitutes trivial harassment; and (5) this is serious harassment. The analysis of these items would help to clarify the meaning of the concept of sexual harassment and the extent to which a consensus exist on this issue.

This was followed by a section which dealt with people's **attitudes** towards various statements regarding sexual relations and sexual harassment. Respondents had to use a five-point Likert scale to indicate if they agree or disagree with the various statements (46 statements). The five points that were provided were: (1) disagree strongly; (2) disagree; (3) neutral - neither agree nor disagree; (4) agree; and (5) agree strongly. The majority of the statements look at existing myths about women and sexual harassment. The purpose of this section, therefore, was to determine if people agree with the myths or not, because this will have a significant impact on the type of training that will have to be conducted in the specific organisation.

The next section looked at the **workplace**. Respondents had to indicate how they see/experience their current workplace, by using a five-point Likert scale. The five points that were provided were: (1) disagree strongly; (2) disagree; (3) neutral - neither agree nor disagree; (4) agree; and (5) agree strongly. The purpose of this part was to see if people work in a "sexualised" environment (where appearance is more important than competence; sexual jokes are in order, etc) and to determine the effect this could have on sexual harassment.

The last part of the questionnaire looked at the **gender composition** in the workplace. Women are not randomly distributed throughout the labour force. They are clumped into relatively few occupations - traditional woman's work. But even if the sexes were distributed evenly across occupations, that would not guarantee the elimination of sex-segregation at work. Even if the occupation itself was totally sex-integrated, the jobs within any one organisation might still be sex-segregated. Thus, sex-ratio of an occupation is an imperfect measure of sex-ratio of the job. The amount of time that one spends at work with the opposite sex, regardless of job, job title, or position in the hierarchy, is another factor affecting one's behaviour and experiences at work. In this survey, I operationalised work role-set by asking respondents how much contact they have with people from the opposite gender during a normal working day. The last paragraph of the questionnaire thanked the respondents for completing the questionnaire and again gave the contact numbers of the researcher. See Appendix A for a copy of a complete questionnaire.

3.4.1.3 Administration of the Questionnaire/Data Collection Method

Every method for administering surveys has advantages and disadvantages. Research purposes, intended respondents and report audience, instrument length, and staff availability all enter into decisions about administrative procedures. Despite the serious drawbacks of mail questionnaires (e.g. lack of response; inability to check responses given; etc.) it was decided, from a practical point of view (because of the size of the sample) still to administer the questionnaire by means of a mail survey. Self-administered surveys provide greater privacy for the respondent, but they also increase the likelihood of misunderstood items or incomplete responses. This makes instructions for a self-administered survey more important than those for an interview.

Questionnaires had to be distributed to the predetermined sample through the internal company mailing service. Because it was not possible to get the addresses of people selected during the sampling procedure from the company's information system (in an address form), employees' names, employee numbers and work address had to be written on the company envelopes by hand. A team of six clerical staff and the researcher completed this task in the first half of September 1995.

During the week of 18 to 22 September 1995 a team of four people (including the researcher) worked in an assembly line fashion to get the questionnaires in the envelopes. These tasks included: pre-coding questionnaires for follow-up purposes; putting self-adhesive stickers with the return address on an envelope and folding this envelope to fit into the sender-envelope; placing the questionnaire and self-addressed envelope in the sender-envelope; and sealing the envelopes. Although the procedure was somewhat organised in advance, it took a certain amount of actual practice before the best allocation of tasks and persons was discovered. By the end of that week the questionnaires were ready to be distributed to the various business units/divisions across the country.

Questionnaires were grouped according to the particular centre (e.g. Spoornet (Kimberley); Portnet (Port Elizabeth); Paul Sauer Building (Cape Town); etc.), placed in a mailing bag to that centre, and delivered to the internal mailing

department on 25 September 1995. This gave respondents 26 days to complete the questionnaire and return it (before 20 October 1995). The reason for this short period of time was to actually put pressure on respondents to complete the questionnaire and return it, and not let it lie around to complete at a later stage. Quite a few respondents phoned the researcher to tell her that they received the questionnaire very late or even after the 20th of October 1995. In that case they were asked to still complete the questionnaire and return it, because the date for the lucky draw had been postponed. Approximately two weeks after the initial mailing, questionnaires began arriving at the research office in Johannesburg. Questionnaires were opened, scanned and "signed off" for follow-up purposes.

By the end of October 1995, the follow-up procedure began. Each and every envelope that was addressed to a person, was photocopied for follow-up purposes, and to avoid the whole process of writing all the addresses by hand again. On the other side of this page a message was printed to appeal to the people to return their completed questionnaires and that they will be allowed until 15 December 1995 to return their questionnaires. The R500 reward was still used as a motivational factor to complete the questionnaires. These reminders were folded and sealed with a self-adhesive sticker with the return address on and mailed to those people who have not yet returned their completed questionnaires (using the pre-coding and scanning method). After this round quite a few people contacted the researcher to say that they have never received a questionnaire in the first place and that the reminder was the first word that they have heard about this survey. This clearly indicated that the internal mailing service was not effective in getting the questionnaires to their destination. These people's details were taken down and questionnaires were sent to them. Apart from people not receiving their questionnaires, another problem that was experienced was the fact that the addresses on the company's information system were outdated, resulting in quite a number of questionnaires being sent back to the research office because of addresses unknown.

Despite these setbacks a total of 591 completed questionnaires were received toward the end of December 1995 (254 from male employees and 338 from female employees) for an overall response rate of 37,3% from the original sample.

3.4.1.4 Data Analysis

The resultant data from the exploratory survey were statistically analysed using the SAS computer package. Just as the questions addressed through exploratory research are usually general, the data analysis used for exploratory research also tend to be general. Often, analysis for exploratory research are qualitative analyses - non-numerical analyses, concerning quality rather than quantity.

Even when analyses are not qualitative, they usually include calculating descriptive statistics concerning central tendencies or averages, or concerning dispersion of scores. Sometimes, histograms or frequency polygons are used to graphically examine data in more detail or to more clearly present data.

In general, data analyses for exploratory research fall under the category of "interocular trauma": The effects are so apparent they hit you right between the eyes, or they are not apparent at all (Dane, 1990).

A cross-tabulation of the demographical items was done in order to get a clearer picture of the respondents to the survey - both male and female. Frequency distributions and correlation analysis were also done, to determine the respondents' opinions and tolerance regarding sexual harassment.

3.5 The Research Design of the Major Study

The conceptual study of related literature and previous research provided insight and direction for the major study - the second phase of the empirical study focusing in more detail on the extent of the problem of sexual harassment, the impact of sexual harassment on victims and victims' reactions to sexual harassment.

3.5.1 Drawing the Sample

For the purpose of this study, the sample was drawn from the whole female population of the transport company, excluding those women who were involved in the first phase of the study. Using the proportionate stratified random sampling technique, 1 793 women were drawn proportionately from the six business units, divisions and corporate office of the transport company.

3.5.2 Designing the Questionnaire

The items on a survey instrument provide the means by which a researcher obtains information about respondents (Dane, 1990). When sensitive topics are included in a questionnaire, special concern must be taken about the validity of the data, but that does not mean that valid data cannot be obtained. Following ethical guidelines and treating respondents well, usually is sufficient to obtain co-operation. Thus, properly handled, even personal or controversial material can be successfully obtained with questionnaires.

A structured questionnaire, using a combination of factual and precoded questions, was constructed, seeing that no existing instrument measures all the different aspects of this specific study.

This questionnaire was also printed in booklet form and with an English version on the one side and the Afrikaans version on the other. The questionnaire consists of 18 pages and includes the following:

- the outside cover
- the cover letter
- demographic data
- the current workplace
- the gender composition of the workplace
- men's behaviour toward women at work
- the man involved in sexual harassment
- the respondent's reaction to the incident(s)
- the effect of sexual experiences on women
- blame.

The **outside cover** was printed in colour on high quality paper. It depicted a man sitting on a heap of money and stating that you could win R500 for just 30 minutes of your time. The reason for a reward was to try and improve the response rate. The cover also did not give away the subject of the questionnaire, but rather gave an interesting picture which could catch people's attention.

The **cover letter** briefly explained the reason for the study and what it is about, without mentioning the words "sexual harassment", which could bias people from the start, and which I did not want. It also stated that I am interested in sexual relations between men and women, in order to exclude homosexual sexual harassment. Then it was explained how to win R500 if the questionnaire was returned before 20 October 1995. The anonymity of respondents and the confidentiality of the study were emphasised to further encourage people to take part in the study. Feedback of the results of the study was promised to give people a sense of meaningfulness concerning their participation. The researcher's full address and telephone number were supplied in case people had questions regarding the questionnaire, or even if they wanted to talk about their experiences.

The next part asked questions about the respondent's **demographics**. This data was important in order to develop a demographic profile of a victim of sexual harassment, if it appeared (from the questionnaire) that the respondent experienced such harassment. The questions were provided with a few general alternatives from which a respondent just had to choose his/her answer and indicate it by means of a cross (x) in the appropriate block.

The next section looked at the **workplace**. Respondents had to indicate how they see/experience their current workplace, by using a five-point Likert scale. The five points that were provided were: (1) disagree strongly; (2) disagree; (3) neutral - neither agree nor disagree; (4) agree; and (5) agree strongly. The purpose of this part was to see if people work in a "sexualised" environment (where appearance is more important than competence; sexual jokes are in order, etc) and to determine the effect this could have on sexual harassment.

Following the questions on the workplace, was the part about the **gender composition** in the workplace. The amount of time that a person spends at work with the opposite sex, regardless of job, job title, or position in the hierarchy, is a factor affecting a person's behaviour and experiences at work. In this survey, respondents were asked how much contact they have with people from the opposite gender during a normal working day.

The next part formed the crux of the whole study - to determine whether sexual harassment takes place in the company or not, and if so, what kinds of harassment are the most prominent. This part asked women about **men's behaviour toward women at work**. Respondents had to indicate if they ever experienced any one or more of ten given situations, and if they had, by whom. The alternatives given, included: higher level supervisor; immediate supervisor; co-worker; other employee; subordinate; and client/customer. If women have never experienced any of the incidents mentioned, they did not have to fill in the rest of the questions which related to specific sexual harassment incident(s). From here on forward, it was only alleged "victims" that completed the rest of the questionnaire.

The following section asked more information about **the man involved** in the only or most severe incident. The respondent had to describe the alleged harasser and their relationship to the best of her knowledge. The obvious constraint here is that almost all information that we get about the harasser, is obtained from those who are actual or potential recipients, rather than initiators, of harassment incidents. On the more practical side, both reports of occurrence and characteristics of the harasser for research purposes are easier to obtain among victims than among perpetrators.

The next part solicited information about the victim's **reaction to the incident(s)**. The reason for this section was to determine how the victim dealt with the sexual harassment incident. In the case of victims not doing anything about it, it was important to know why, because this is one of the reasons why the phenomenon of sexual harassment had gone unchallenged for so long seeing that it had never been reported and victims seem to suffer in silence. If they told somebody about it, who was it and what effect did their action(s) have.

The next important section looked at the **effect of sexual experiences on women**, to determine what impact the incident(s) had on the victims as a person as well as an employee. It looked at emotional effects, psychological and physical reactions, as well as the effect that it had on the victim's work situation. The impact of sexual harassment on the victims, can be a very important indicator for employers of how sexual harassment impacts on the workplace and affect factors such as productivity, absenteeism, etc.

The last section dealt with **blame** and who the victim feels is to blame for the incident(s). Respondents had to indicate who is to blame by using a five-point Likert scale. The five points that were provided were: (1) disagree strongly; (2) disagree; (3) neutral - neither agree nor disagree; (4) agree; and (5) agree strongly. The last question was how much of a problem the respondent consider sexual harassment to be at her place of work. This gives an indication of the respondents perception of sexual harassment and her acknowledgement of certain incident(s) as sexual harassment.

The last paragraph of the questionnaire thanked the respondents for completing the questionnaire and again gave the contact numbers of the researcher.

See Appendix B for a copy of a complete questionnaire.

3.5.3 Data Collection Method

Distributing survey instruments through the mail to a predetermined sample is an example of a **self-administered survey** - a survey in which respondents complete the instrument without intervention by the researcher. Self-administered surveys provide greater privacy for the respondents, but they also increase the likelihood of misunderstood items or incomplete responses. Therefore, the instructions for a self-administered survey are more important than those for an interview (Dane, 1990).

The self-administered instrument has certain advantages. With most or all of its items of the closed type, greater uniformity of stimulus and thus greater reliability can be achieved. A second advantage is that mail surveys ensure the best opportunity for anonymity and this in turn, encourages honesty and frankness, especially with a sensitive topic such as sexual harassment (Kerlinger, 1986). The possibility of interviewer bias is also totally eliminated, if questionnaires are mailed to the respondents.

A major disadvantage of mail surveys is a very low response rate. Dillman views the survey research process as a social exchange - an interpersonal relationship in which an individual's willingness to enter or remain in the relationship depends on expectations of rewards and costs (Kelley & Thibault, 1978). From that viewpoint, a researcher must make completing and returning a questionnaire worthwhile for the prospective respondent. Respondents can be rewarded by offering them copies of the research results. More satisfying response rates are also achieved when a special target population is used, especially when they have some or other loyalty toward the topic being researched, which may be true in this case. Another method to achieve a higher response rate, is to remind respondents to complete the questionnaires and send it back, by sending letter or postcards as a follow-up (Dane, 1990). Despite the disadvantages of mail surveys, it was decided to still use

this method of data collection, because of the sample size combined with a lack of human resources and financial resources.

Exactly the same procedure was followed than the one for the exploratory study and it was done at the same time. Employees' names, employee numbers and work address had to be written on the company envelopes by hand and this was completed in the first half of September 1995. During the week of 18 to 22 September 1995 a team of four people (including the researcher) worked in an assembly line fashion to get the questionnaires in the envelopes. Questionnaires were grouped according to the particular centre, placed in a mailing bag to that centre, and delivered to the internal mailing department on 25 September 1995. This gave respondents 26 days to complete the questionnaire and return it (before 20 October 1995). Approximately two weeks after the initial mailing, questionnaires began arriving at the research office in Johannesburg. Questionnaires were opened, scanned and "signed off" for follow-up purposes.

By the end of October 1995, the follow-up procedure began. Reminders were folded and sealed with a self-adhesive sticker with the return address on and mailed to those people who have not yet returned their completed questionnaires (using the pre-coding and scanning method).

Despite the ineffective internal mailing system, a total of 588 completed questionnaires were received toward the end of December 1995 for an overall response rate of 32,85% from the original sample.

3.5.4 Data Analysis

The resultant data from the major study were statistically analysed, using the SAS computer package.

Cross-tabulation of the demographical items was done in order to compile a profile of the respondents to the survey. This was followed by a frequency distribution to determine the extent of the problem of sexual harassment and to see what forms of sexual harassment are prevalent in the company. A correlation analysis was done to determine if there is any correlation between the status of the harasser and the

type of harassment that takes place. A cross-tabulation was done again to compile a profile of the "typical" victim of sexual harassment and to determine which biographical variables determine if a woman will be harassed. A frequency distribution was used to obtain a profile of the harasser - from the victim's point of view. Frequency distributions were also used to determine the most popular reactions to sexual harassment, the reasons why women do not report the incidents, the impact of sexual harassment on the victim and her work situation, and the assignment of responsibility/blame.

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CHAPTER 4

DATA ANALYSIS, RESULTS AND CONCLUSIONS

4.1 Introduction

According to the research strategy followed in this survey (discussed in chapter 3), the data analysis, results and conclusions of this research will be interpreted and discussed in this chapter. Results from the exploratory study will be discussed at first and thereafter the results from the major study.

4.2 The Exploratory Study

4.2.1 Socio-demographical Characteristics of Respondents

In this section the results of the frequency analysis of the demographical characteristics of the respondents will be discussed.

Table 1 : Frequency Distribution of Gender and Race

GENDER	RACE				
	Black	Coloured	Asian	White	Total
Male	63	34	20	136	253
Female	30	23	16	269	338
Total	93	57	36	405	591

From table 1 it is very clear that the majority of both male and female respondents are white, followed by black, coloured and asian respondents. One explanation for the overwhelming majority of white respondents could be that general workers, who are predominantly black, were not included in the survey (because of their literacy level).

Table 2 : Frequency Distribution of Gender and Age

GEN	AGE								Total
	<18	19-25	26-30	31-35	36-40	41-50	51-60	>60	
Male	0	20	34	39	63	75	21	1	253
Fema	2	82	91	55	48	42	17	1	338
Total	2	102	125	94	111	117	38	2	591

The majority of respondents fall between the age categories of 19 to 50 years of age, with the largest portion being 26 to 30 years. If we make the distinction between men and women, the age distribution of men looks differently. The majority of male respondents lie in the category 41 to 50 years, followed very closely by the group 36 to 40 years of age. The majority of female respondents lie in the category 19 to 30 years of age. It therefore seems that it is the older men who responded to the questionnaire, but the younger category of women.

Table 3 : Frequency Distribution of Gender and Home language

GE	HOME LANGUAGE												Tot
	Afr	En	Xh	Zul	Sot	Ot	Ts	Ve	Set	Nd	Ge	Sh	
Mal	126	63	6	22	17	2	7	3	4	1	2	1	254
Fe	225	84	3	14	4	0	2	1	4	0	0	0	337
Tot	351	147	9	36	21	2	9	4	8	1	2	1	591

It seems that Afrikaans speaking people were by far more inclined to respond to this survey (both men and women). This was followed by the English speaking employees; Zulu speaking people; Sotho speaking people; and then an even distribution among the other African languages. This can again be explained because of the category general workers not being included in the survey.

Table 4 : Frequency Distribution of Gender and Qualifications

GENDE	QUALIFICATIONS						Total
	Std5&<	Std 6-8	Std9-10	Diplom	Certific	Degree	
Male	24	87	68	18	30	26	253
Female	4	69	125	34	20	83	335
Total	28	156	193	52	50	109	588

From table 4 we can conclude that the majority of respondents have a qualification equal to std 9 - 10, followed by the category of std 6 - 8, and then employees holding a degree. The male respondents look a little bit different, in that the majority of respondents have a std 6 - 8 qualification, followed by men with a std 9 - 10 qualification and then male employees with a certificate.

Table 5 : Frequency Distribution of Gender and Occupation

GEN	OCCUPATION							
	Mana	Prof	Admi	Oper	Tech	Q-tec	Supp	Genw
Male	19	26	56	52	43	16	16	14
Fema	28	75	178	13	13	0	14	1
Total	47	101	234	65	56	16	30	15

The majority of respondents are working in the administrative field in the company. The second largest group of women fall within the professional category, followed by women in the management cadre. The second largest group of men are working in the operational field, followed by technical employees.

Table 6 : Frequency Distribution of Gender and Income

GENDE	INCOME						Total
	<10000	R10000 - 20000	R20000 - 30000	R30000 - 40000	R40000 - 50000	>50000	
Male	9	28	39	26	36	111	249
Female	27	19	33	59	43	141	322
Total	36	47	72	85	79	252	571

From table 6 it is clear that the majority of respondents earn more than R50 000 per year (men and women).

Table 7 : Frequency Distribution of Gender and Marital status

GENDE	MARITAL STATUS						Total
	Married	Widow	Divorce	Separat	Never married	Living togethe	
Male	195	1	17	3	32	6	254
Female	188	3	35	3	95	11	335
Total	383	4	52	6	127	17	589

An overwhelming majority of respondents are married (men and women). The second largest group of respondents have never been married, while the third largest group are divorced.

When looking at all of the above tables and the interpretations thereof, the following conclusions can be drawn: the majority of the respondents are white. It seems that the older category of men (41 - 50 years) responded to the survey, but a younger category of women (19 - 30 years). The majority of completed questionnaires were returned by Afrikaans speaking respondents, followed by English speaking employees. Concerning qualifications, the majority of women holds a std 9 - 10 qualification, followed by women with degrees. The men have qualifications of std 6 - 8, followed by those with a std 9 - 10 qualification. The majority of respondents work in the administrative field, followed by women in the professional field and men in the operational field. Approximately half of all the respondents earn more than R50 000 per year. The majority of respondents are married and the second largest group have never been married.

If a single profile of the "average" male and female respondent could be developed, it could look as follows:

Male	Female
White	White
41 - 50 years	19-30 years
Married	Married
Afrikaans	Afrikaans
Std 6 - 8	Std 9 - 10
Administrative field	Administrative field
Earn more than R50 000/year	Earn more than R50 000/year

It seems that the only differences are the age (older male vs younger female respondents), and the qualification (std 6 -8 for men and std 9 - 10 for women).

4.2.2 Opinion Concerning Sexual Harassment

In an effort to determine the extent of recognition of the term "sexual harassment" among male and female employees, the following question was asked: "Recently there has been some interest in what has been called **sexual harassment** at work.

work. This usually refers to harassment of women by male workers, clients, or customers. I would like to find out just what the term sexual harassment means to you. I want your opinion of whether or not you consider each type of incident as sexual harassment, using the following scale:

1. this definition is not harassment
2. this could be called bad taste
3. this definition is ambiguous
4. this constitutes trivial harassment
5. this is serious harassment."

Seventeen behaviours were listed, which included requests for sexual relations, sexual propositions, touching, looks, sexual comments, sexual assault/rape, requests for dates, offensive language, and off-colour jokes. The analysis of these behaviour items helps to clarify the meaning of the concept of sexual harassment for men and women in the workplace, and the extent to which a consensus exists on this issue.

For the purposes of this discussion to clarify the meaning of sexual harassment, "trivial" harassment and "serious" harassment will be merged to form one category of harassment. Agreement on an item at the 80 % or better level is the criterion used here for defining consensus.

Table 8 : Frequency Distribution of Opinions Regarding Sexual Harassment

Behaviour Items	Males	Females	Total
Asked to have sexual relations with the understanding that it would hurt your job if you refused or help it if you accepted	84.84	89.55	87.2
Asked to go out with someone with the understanding that it would hurt your job if you refused or help it if you accepted	76.23	83.84	80.04
Touching that was meant to be sexual (e.g. fingers straying to breast)	85.59	91.91	88.75
Touching that was not meant to be sexual (e.g. shoulder squeeze)	24.49	20.42	22.46
Looks/gestures of sexual nature that were meant to be insulting	53.09	56.29	54.7

Behaviour Items	Males	Females	Total
Looks/gestures of sexual nature that were meant to be complimentary	44.3	36.33	40.32
Sexual comments that were meant to be insulting	56.62	61.52	59.1
Sexual comments that were meant to be complimentary	33.61	42.86	38.24
Sexual assault/rape	95.0	96.99	96.0
Sexual proposition linked to negative job conditions	88.12	95.22	91.67
Sexual proposition linked to positive job conditions	76.86	90.69	83.78
Sexual propositions not linked to job conditions	47.11	62.0	54.56
Socialisation/date request	17.99	26.97	22.48
Unwanted physical act/contact (e.g. pinching/ grabbing)	57.68	63.18	60.43
Offensive language	46.03	44.74	45.39
Unwanted non-verbal attention (e.g. gestures, stares, whistles, graffiti)	40.41	50.3	45.36
Off-colour jokes	32.09	32.33	32.21

Table 8 shows the percentage of men and women who consider the different behavioural items as sexual harassment. The most important pattern in table 8 is the high consensus on six behaviours: Asked to have sexual relations with the understanding that it would hurt your job if you refused or help it if you accepted; asked to go out with someone with the understanding that it would hurt your job if you refused or help it if you accepted; touching that was meant to be sexual; sexual assault/rape; sexual proposition linked to negative job conditions; and sexual proposition linked to positive job conditions. Over 80 % of all respondents consider these behaviours sexual harassment.

Second, touching that was not meant to be sexual, and being asked for a date are the behaviours least likely to be included in employees' ideas of sexual harassment. And finally, there are no real significant differences between men and women on these behaviours. The results as a whole gave no indication of major disagreements among male and female employees in the way sexual harassment is defined. The female employees assigned slightly higher ratings of harassment to

descriptions overall than did the male employees. The biggest differences exist for the following behaviours: Sexual comments that were meant to be complimentary; sexual proposition linked to positive job conditions; sexual propositions not linked to job conditions; and unwanted non-verbal attention (e.g. gestures, stares, whistles, graffiti).

What characterises the six behaviours on which high consensus were reached, is some notion of intrusion, coercion, and objectification. Sexual propositions were clearly viewed as impersonal requests for sex since they were so markedly differentiated from requests for dates.

The data suggest two mutually reinforcing interpretations. First, the six behaviours are viewed as violations of any woman's body and physical space, therefore wrong. Second, it may be that it is exactly these six behaviours that are the essence of sexual harassment, behaviours that clearly define the meaning of the concept to most working women. It is then possible to conclude that workplace sexual harassment means those behaviours which have elements of either sexual objectification and/or physical contact which is forced or violent, regardless of who initiates it; sexual harassment is those actions viewed as illegitimate force and undesired intimacy.

However, there was less consensus and a great deal of ambivalence in employees' use of the term sexual harassment on the less serious, but decidedly more common, interactions. When women are ambivalent about sexual approaches they often have a mixed or tolerant response to them. The approaches and feelings about them are part of the daily life experience of women workers (e.g. requests for dates and sexual jokes); they are not necessarily perceived as sexual harassment. For women, gestures implying heterosexual intimacy are expected. Only when they are very serious - propositions, assaults - or put them in a further disadvantaged or powerless position as workers, do women label them harassment.

It was decided to do a correlation analysis to determine the correlations among the different items and to possibly decrease the number of items.

Table 9 : Pearson Correlation Coefficients for Opinions regarding Sexual Harassment

	OPIN1	OPIN2	OPIN3	OPIN4	OPIN5	OPIN6	OPIN7	OPIN8	OPI9	OPI10	OPI11	OPI12	OPI13	OP14	OPI15	OPI16	OPI17
OPIN1	1.0000	0.5921	0.3212	-0.054	0.2776	0.1432	0.2098	0.1375	0.275	0.415	0.432	0.187	0.035	0.223	0.105	0.140	0.083
OPIN2	0.5921	1.0000	0.4441	-0.008	0.2581	0.1365	0.2215	0.1506	0.227	0.495	0.509	0.138	0.081	0.223	0.150	0.217	0.082
OPIN3	0.3212	0.4441	1.0000	-0.010	0.2239	0.0731	0.2389	0.3320	0.332	0.383	0.411	0.146	0.051	0.190	0.093	0.186	0.041
OPIN4	-0.054	-0.008	-0.010	1.000	0.0277	0.2117	0.0710	0.2276	-0.090	-0.067	-0.025	-0.003	0.172	0.135	0.102	0.108	0.152
OPIN5	0.2776	0.2581	0.2239	0.0277	1.0000	0.3561	0.5452	0.3081	0.135	0.183	0.161	0.167	0.071	0.318	0.285	0.406	0.255
OPIN6	0.1432	0.1365	0.0731	0.2117	0.3561	1.0000	0.2809	0.5673	-0.076	0.050	0.105	0.191	0.162	0.160	0.172	0.305	0.267
OPIN7	0.2098	0.2215	0.2389	0.0710	0.5452	0.2809	1.0000	0.4130	0.134	0.222	0.265	0.197	0.059	0.393	0.358	0.354	0.321
OPIN8	0.1375	0.1506	0.1487	0.2276	0.3081	0.5673	0.4130	1.0000	-0.027	0.091	0.151	0.165	0.154	0.190	0.190	0.248	0.237
OPIN9	0.2746	0.2273	0.3320	-0.090	0.1351	-0.076	0.1341	-0.027	1.000	0.417	0.218	0.073	-0.001	0.142	0.093	0.070	0.016
OPI10	0.4154	0.4952	0.3826	-0.067	0.1828	0.0500	0.2224	0.0909	0.417	1.000	0.549	0.157	-0.012	0.133	0.096	0.128	0.036
OPI11	0.4318	0.5086	0.4108	-0.025	0.1612	0.1052	0.2653	0.1512	0.218	0.549	1.000	0.283	0.073	0.189	0.134	0.178	0.098
OPI12	0.1875	0.1376	0.1463	-0.003	0.1668	0.1906	0.1971	0.1652	0.073	0.157	0.283	1.000	0.327	0.164	0.134	0.197	0.191
OPI13	0.0352	0.0813	0.0506	0.1719	0.0706	0.1616	0.0594	0.1539	-0.001	-0.012	0.073	0.327	1.000	0.157	0.207	0.205	0.242
OPI14	0.2229	0.2234	0.1897	0.1355	0.3179	0.1600	0.3929	0.1902	0.142	0.133	0.189	0.164	0.157	1.000	0.314	0.406	0.291
OPI15	0.1052	0.1498	0.0925	0.1017	0.2851	0.1717	0.3577	0.1903	0.093	0.096	0.134	0.134	0.207	0.314	1.000	0.476	0.487
OPI16	0.1397	0.2171	0.1861	0.1076	0.4056	0.3052	0.3536	0.2483	0.070	0.128	0.178	0.197	0.205	0.406	0.476	1.000	0.523
OPI17	0.0834	0.0821	0.0413	0.1519	0.2554	0.2671	0.3206	0.2371	0.016	0.036	0.098	0.191	0.242	0.291	0.487	0.523	1.000

The correlation analysis on the 17 incidents that the respondents had to rate on a scale ranging from "not harassment" to "serious harassment", indicates that not all incidents could be grouped together and that a factor analysis would be helpful in forming groups of similar incidents. The factor analysis shows that items 1, 2, 3, 9 and 10 may be grouped together to form a single variable. Also, items 5, 7, 14, 15, 16 and 17 form a sensible group, and items 6 and 8 form a third group. Items 4, 12 and 13 do not seem to belong to any of the 3 groupings. Items 12 and 13 may be grouped together because of their moderate correlation of 0,33.

The three variables F1OPINION, F2OPINION, AND F3OPINION were formed by adding the items with high factor loadings on the three factors obtained by means of a factor analysis.

F1OPINION consisted of the following items:

1. Being asked to have sexual relations with the understanding that it would hurt your job situation if you refused or that it would help if you accepted.
2. Being asked to go out with someone with the understanding that it would hurt your job situation if you refused or that it would help if you accepted.
3. Touching at work that was meant to be sexual.
9. Sexual assault/rape.
10. Sexual proposition linked to negative job conditions.

F2OPINION consisted of the following items:

5. Looks or gestures of a sexual nature that were meant to be insulting.
7. Comments of a sexual nature that were meant to be insulting.
14. Unwanted physical act or contact (e.g. pinching/grabbing).
15. Offensive language.

16. Unwanted non-verbal attention (e.g. gestures, stares, whistles, graffiti).
17. Off-colour jokes.

F3OPINION consisted of the following items:

6. Looks or gestures of a sexual nature that were meant to be complimentary.
8. Comments of a sexual nature that were meant to be complimentary.

From the above, it was possible to name each of the factors, according to the items it consisted of. Therefore, F1OPINION represented coercive or physically intrusive behaviour. F2OPINION represented offensive verbalisation. F3OPINION represented more flirtatious behaviour. Specific behaviours varying in degree of intensity or seriousness are nested within each factor

In order to test whether the means of the males and the females on the 3 factors differ significantly, use was made of the t-test procedure. For the purpose of the study it was important to determine if men and women differed significantly in the way they perceived sexual harassment. The reason for this being to make suggestions concerning a training/awareness programme for employees. If men and women differ significantly in the way they see sexual harassment, different programmes/methods should be used to orientate them towards the true meaning of what constitutes sexual harassment and to sensitise them towards their own behaviour, or a more intense session should be utilised for the group who do not recognise certain behaviours as sexual harassment. A high score on a factor meant that that specific group perceived the items of which that factor consisted as very serious sexual harassment. A low score meant that the respondents did not see the items of which that specific factor consisted as very serious or as sexual harassment at all.

To maintain an overall significant level of 5 %, the exceedance probability of the 3 tests are compared to $0.05/12 (=0.004)$ for significance. The following table represents a summary of the results.

Table 10 : T-test regarding Differences between Males and Females (Opinions)

FACTOR	\bar{X}	SD	\bar{X}	SD	t-value	Exceedance Probability
	Males	Males	Females	Females		
F1OPIN	26.86	4.51	28.24	3.66	-3.87	0.0001
F2OPIN	19.46	5.44	20.19	5.76	-1.52	0.1291
F3OPIN	5.40	2.34	5.93	2.34	-2.63	0.0088

From the above table it is clear that there is only a significant difference between the opinions of men and women concerning Factor 1 (coercive or physically intrusive behaviour). Women had a higher average score than men on this factor, indicating that they perceived the items of factor 1 as more serious sexual harassment than did men. Thus, although men and women appear to apply the same criteria for using the term "sexual harassment", women's threshold is lower, and they are more bothered by it.

The data support the view that employees are increasingly familiar with the term sexual harassment, but that there are still room for improvement through e.g. education and awareness strategies. However, the multi-faceted approach employed here to examine elements of consciousness about sexual harassment indicates the conditional and subjective nature of the naming process itself.

4.2.3 Tolerance Regarding Sexual Harassment

In an effort to determine how people's attitudes about women in general, women in the workplace, sexual harassment and sexual experiences at work differ, the following question was asked: "For each of the following statements, indicate whether you agree or disagree, using the following scale:

1. disagree strongly
2. disagree
3. neutral -neither agree nor disagree
4. agree
5. agree strongly."

A total of 46 attitudinal items were rated by the respondents on the above scale. The correlation analysis on these items indicated that a factor analysis might be helpful in forming sensible groups of items.

Table 11 : Rotated Factor Pattern for Attitudes toward Sexual Harassment

	FAC1	FAC2	FAC3	FAC4	FAC5	FAC6	FAC7	FAC8	FAC9
AT20	0.643								
AT22	0.572								
AT26	0.560								
AT31	0.440								
AT27	0.355								
ATT7	0.340								
AT25	0.334								
ATT8									
AT15									
AT36		0.550							
AT35		0.505							
AT32		0.484							
AT37		0.473							
AT33									
AT39			0.509						
AT40			0.442						
ATT6			0.423						
AT46			0.395						
AT16			0.378						
AT38			0.318						
AT21									
AT24				0.633					
ATT1				0.464					
AT43				0.449					
AT18				0.346					
AT41					0.518				
AT42					0.500				
AT44					0.481				
AT45					0.477				
ATT3						0.503			
AT14						0.489			

	FAC1	FAC2	FAC3	FAC4	FAC5	FAC6	FAC7	FAC8	FAC9
ATT2						0.438			
ATT4						0.392			
ATT5						0.381			
AT12							0.647		
AT13							0.528		
AT11							0.483		
ATT9							0.318		
AT30								0.526	
AT29								0.490	
AT19								0.383	
AT10								0.311	
AT23									
AT28									0.501
AT34									0.344
AT17									-0.314

The factor analysis shows nine groupings of items. The nine variables were formed by adding the items with high factor loadings on the nine factors obtained by means of a factor analysis.

F1ATTITUDE consisted of the following items:

7. Women who are bothered by men at work, ask for it by the way they walk or dress.
20. Women often claim sexual harassment to protect their reputation.
22. Many women claim sexual harassment if they have consented to sexual relations but have changed their minds afterward.
25. Sexually experienced women are not really damaged by sexual harassment.
26. Many women invent sexual harassment stories if they learn they are not performing as they should.
27. It would do some women good to be sexually harassed.
31. Women put themselves in situations in which they are likely to be harassed, because they have an unconscious wish to be harassed.

F2ATTITUDE consisted of the following items:

- 32. In most cases when a woman is sexually harassed, she deserved it.
- 35. Sexual harassment is not a serious problem, but a bit of fun between workers which helps to brighten up the routine.
- 36. Sexual harassment is a personal matter between two people.
- 37. Sexual harassment might be a problem on the rare occasion.

F3ATTITUDE consisted of the following items:

- 6. Those who sexually bother others are usually seeking power over those they bother.
- 16. Unwelcome attention from men at work is offensive.
- 38. Sexual harassment creates unsatisfactory working conditions and presents a health and safety hazard to women workers.
- 39. Sexual harassment may well be in breach of the employer's responsibility to provide equal opportunities for all employees.
- 40. The company loses money through sexual harassment because of the victim's poor work performance, absenteeism, transfer to other work or decision to leave.
- 46. Men who ask women at work to have sexual relations with them, want to dominate women.

F4ATTITUDE consisted of the following items:

- 1. People can usually stop unwanted sexual attention by telling the offender to stop.
- 18. The extent of the woman's resistance to harassment should be the major factor in determining if harassment has occurred.

24. A woman can successfully resist a harasser if she really tries.
43. Women who are asked by men at work to engage in sexual relations could have done something to prevent it.

F5ATTITUDE consisted of the following items:

41. Sex roles in our society encourage women to request sexual relations from men at work.
42. Many women would see it as complimentary if men at work asked them to have sexual relations.
44. Although they may or may not admit it, most women are flattered if an attractive man at work asks them to have sexual relations.
45. Sex roles in our society encourage men to request sexual relations from women at work.

F6ATTITUDE consisted of the following items:

2. The issue of sexual harassment has been exaggerated - most incidents are simply normal sexual attraction between people.
3. People shouldn't be so quick to take offence when someone expresses a sexual interest in them.
4. It's all right for people to have sexual affairs with people they work with.
5. Women in positions of power are just as likely as men in such positions to sexually bother the people who work for them.
14. Innocent flirtation at work is just a bit of fun.

F7ATTITUDE consisted of the following items:

9. Unwanted sexual approaches at work are a problem for most working women.
11. Unwanted sexual approaches at work are not just a problem for single or divorced women.
12. There are many more cases of unwanted sexual approaches at work than most people think.
13. Unwanted sexual approaches at work are not just a problem for women in low-paying jobs.

F8ATTITUDE consisted of the following items:

10. Unwanted sexual approaches at work are not a woman's fault.
19. A sexually harassed woman is usually an innocent victim.
29. Women do not provoke sexual harassment by their appearance or behaviour.
30. Men, not women, are responsible for sexual harassment.

F9ATTITUDE consisted of the following items:

17. A sexually harassed woman is a desirable woman.
28. Women who are good workers are as likely to be sexually harassed as women who are bad workers.
34. Sexual harassment is not innocent flirtation and women are not flattered by the behaviour.

The next step was to name the nine factors, according to the items each consisted of.

- F1ATTITUDE : Women who are harassed ask for it and they invent stories to protect themselves.
- F2ATTITUDE : Sexual harassment is not a serious problem, but a personal matter.
- F3ATTITUDE : Sexual harassment is seeking power and has a negative effect on the workplace and the company.
- F4ATTITUDE : Women can stop sexual harassment if they want to.
- F5ATTITUDE : Women see it as complimentary if they are asked to have sexual relations at work.
- F6ATTITUDE : Sexual harassment has been exaggerated - most incidents are normal sexual attraction between people.
- F7ATTITUDE : Unwanted sexual approaches at work are a problem for most working women.
- F8ATTITUDE : Unwanted sexual approaches at work are not a woman's fault.
- F9ATTITUDE : Any woman can be harassed, and it is not just innocent flirtation and women are not flattered by it.

In order to test whether the means of the males and the females on the 9 factors differ significantly, use was made of the t-test procedure. For the purpose of the study it was important to determine if men and women differed significantly in their attitude toward women in general, women in the workplace, sexual harassment and sexual experiences at work. The reason for this being to make suggestions concerning a training/awareness programme for employees, in which the different sex roles could be discussed, myths concerning sexual harassment countered and people's attitudes toward women - especially in the workplace - could be changed. If men and women differ significantly in the way they see women and sexual

harassment, different programmes/methods should be used to orientate them towards the roles of women and towards sexual harassment and to sensitise them towards their own behaviour, or a more intense session should be utilised for the group whose attitude towards women and sexual harassment are damaging to the company and its employees. A high score on a factor meant that that specific group agreed very strongly with the items of which that factor consisted. A low score meant that the respondents disagreed very strongly with the items of that specific factor.

To maintain an overall significant level of 5 %, the exceedance probability of the 3 tests are compared to 0.05/12 (=0.004) for significance. The table below represents a summary of the results.

Table 12 : T-test regarding Differences between Males and Females (Attitudes)

FACTOR	\bar{X}	SD	\bar{X}	SD	t-value	Exceedance Probability
	Males	Males	Females	Females		
F1ATTIT	19.06	4.57	16.50	4.98	6.09	0.0000
F2ATTIT	9.49	3.12	8.76	3.41	2.58	0.0102
F3ATTIT	20.93	3.56	22.67	3.45	-5.68	0.0000
F4ATTIT	14.53	2.86	13.78	3.26	2.84	0.0047
F5ATTIT	10.87	2.96	9.41	3.20	5.45	0.0000
F6ATTIT	13.90	3.56	12.34	3.21	5.40	0.0000
F7ATTIT	14.43	2.63	15.00	2.71	-2.53	0.0118
F8ATTIT	11.13	2.70	11.70	2.64	-2.46	0.0141
F9ATTIT	9.63	2.04	10.03	1.79	-2.41	0.0165

From the above table it is clear that there are quite a few significant differences between the attitudes of men and women concerning women in general, women in the workplace, sexual harassment and sexual experiences at work. More responsibility was assigned to the victim of sexual harassment by the male than the female respondents. Significantly more of the male than female respondents endorsed factor 1 (Women who are harassed ask for it and they invent stories to protect themselves). It is reasonable to suggest that male respondents, not wanting to be blamed in the future, would assign more responsibility to women, and similarly, the women, not wanting to be blamed should such an event happen to them in the

future, would assign less responsibility to the women and more to the men. Research has shown that women in general will attribute less blame than men to a victim of sexual harassment. However, significant differences in assignment of responsibility still emerges in comparison between those women who had and those who had not themselves been sexually harassed. Women who had not been sexually harassed, assigned more blame to the victim of sexual harassment, than women who had been harassed.

A significant difference between men and women existed on factor 3 (Sexual harassment is seeking power and has a negative effect on the workplace and the company). Women endorsed this statement more strongly, agreeing that sexual harassment is more of a power issue and that it has negative consequences for the company and on the workplace.

As expected from the myths concerning sexual harassment, the average score of men was significantly higher than that of the female respondents on factor 5 (Women see it as complimentary if they are asked to have sexual relations at work), indicating that men think that women are complimented by sexual harassment and that sexual harassment can do no harm to women and the workplace.

On factor 6 (Sexual harassment has been exaggerated - most incidents are normal sexual attraction between people), men had a significantly higher average score than women. This again reinforces one of the myths of sexual harassment.

From the above discussion, it is clear that men and women do differ when it comes to attitudes toward sexual harassment. Because of this difference it is important to structure training and sensitising programmes in such a way as to address the different attitudes of men and women in the workplace. It is especially important to address the existing myths concerning sexual harassment, as discussed in chapter 2, point 7. This section of the questionnaire not only indicate differences concerning sexual harassment, but also differing attitudes towards women in general and in the workplace. Sexual harassment awareness/training programmes could therefore also look at the sex roles of men and women in general, and not just specifically at sexual harassment.

4.3 The Major Study

4.3.1 Socio-demographical Characteristics of Respondents

In this section the results of the frequency analysis of the demographical characteristics of the female respondents will be discussed.

Table 13 : Frequency Distribution of Race of Respondents

RACE	FREQUENCY	PERCENT
Black	72	12.2 %
Coloured	80	13.6 %
Asian	69	11.7 %
White	367	62.4 %
TOTAL	588	100 %

From table 9 it is clear that the majority of female respondents to the major study was white. The same explanation as for the exploratory study, is also valid in this case - that the general worker occupational group was not included in the survey and therefore excluded a large number of black women.

Table 14 : Frequency Distribution of Age of Respondents

AGE	FREQUENCY	PERCENT
18 years and younger	3	0.5 %
19 - 25 years	181	30.7 %
26 - 30 years	138	23.4 %
31 - 35 years	116	19.7 %
36 - 40 years	69	11.7 %
41 - 50 years	68	11.5 %
51 - 60 years	13	2.2 %
older than 60 years	1	0.2 %
TOTAL	589	100 %

The largest group of respondents fall in the age category of 19 to 25 years of age, followed by the group of 26 to 30 years of age. This is again followed by the next category of 31 to 35 years. Therefore it can be concluded that the majority of respondents are from the younger age group - 19 to 35 years of age (73,8 %).

Table 15 : Frequency Distribution of Home Language of Respondents

HOME LANGUAGE	FREQUENCY	PERCENT
Afrikaans	320	55.3 %
English	195	33.7 %
Xhosa	10	1.7 %
Zulu	24	4.1 %
Sotho	20	3.5 %
Other	10	1.7 %
TOTAL	579	100 %

As in the exploratory study, the majority of respondents are Afrikaans, followed by English speaking women. The exclusion of the general worker occupational group from the survey can account for the small percentages of other African languages.

Table 16 : Frequency Distribution of Qualifications of Respondents

QUALIFICATION	FREQUENCY	PERCENT
Std 5 and lower	1	0.2 %
Std 6 - 8	100	17.1 %
Std 9 - 10	247	42.2 %
Diploma	90	15.4 %
Certificate	61	10.4 %
Degree	87	14.8 %
TOTAL	586	100 %

It seems that nearly half of all the respondents hold a qualification equal to std 9 to 10. Thereafter are respondents with std 6 to 8, followed by respondents holding a diploma and respondents with a degree. This result counteracts the finding from American researchers that it is usually women with higher education that respond to surveys of these kind, because they are more aware of the problem and have a better knowledge of sexual harassment.

Table 17 : Frequency Distribution of Occupation of Respondents

OCCUPATION	FREQUENCY	PERCENT
Managerial	18	3.2 %
Professional	118	20.8 %
Administrative	387	68.3 %
Operational	18	3.2 %
Technical	13	2.3 %
Quasi-technical	3	0.5 %
Supporting	8	1.4 %
General workers	2	0.4 %
TOTAL	567	100 %

From table 13 it can be concluded that the majority of respondents (68,3 %) lie in the occupational category of the administrative field. The second largest category (20,8 %) is the professional category, followed by an even spread across the other occupational categories. This finding coincides with the qualification distribution, found in table 16.

Table 18 : Frequency Distribution of Family Income of Respondents

FAMILY INCOME	FREQUENCY	PERCENT
Under R10 000	25	4.5 %
R10 000 - R20 000	39	7.0 %
R20 000 - R30 000	73	13.1 %
R30 000 - R40 000	93	16.7 %
R40 000 - R50 000	78	14.0 %
More than R50 000	250	44.8 %
TOTAL	558	100 %

Nearly half of all the respondents have a family income of more than R50 000 per year. Only a small percentage of the respondents (11,5 %) have a family income of less than R20 000 per year.

Table 19 : Frequency Distribution of Marital Status of Respondents

MARITAL STATUS	FREQUENCY	PERCENT
Married	269	46.1 %
Widowed	5	0.9 %
Divorced	80	13.7 %
Separated	8	1.4 %
Never married	201	34.4 %
Living together	21	3.6 %
TOTAL	584	100 %

As with the exploratory study, the majority of respondents (46,1 %) are married. This is followed by the group that have never been married before (34,4 %) (which again coincides with the age distribution from table 14).

Table 20 : Frequency Distribution of Number of Children of Respondents

NO OF CHILDREN	FREQUENCY	PERCENT
None	256	43.8 %
1 - 2	250	42.7 %
3 - 4	69	11.8 %
5 - 6	10	1.7 %
TOTAL	585	100 %

Quite a surprisingly high percentage of respondents reported that they have no children (43,8 %) (surprising in the sense that 46,1 % of respondents are married), but it could be explained by the fact that 31,2 % of the respondents are of the age group 25 years and younger. This is followed by the group who have one or two children, with 13,5 % of respondents with three or more children.

Table 21 : Frequency Distribution of Number of Children Under 18 of Respondents

CHILDREN UNDER 18	FREQUENCY	PERCENT
None	278	50 %
1 - 2	225	40.5 %
3 - 4	47	8.5 %
5 - 6	4	0.7 %
More than 6	2	0.4 %
TOTAL	556	100 %

Half of all the respondents do not have any children under the age of 18 years. Quite a large number of women do have one or two children under the age of 18, which correlates with the age distribution that shows that the majority of candidates are under the age of 35 years. Only 9,6 % of respondents have three or more children under the age of 18 years.

When looking at all of the above tables and the interpretations thereof, the following conclusions can be drawn: the majority of the female respondents are white and fall in the younger age category (19 - 35 years). The majority of completed questionnaires were returned by Afrikaans speaking respondents, followed by English speaking employees. Concerning qualifications, the majority of women holds a std 9 - 10 qualification, followed by women with a std 6 - 8 qualification. The majority of respondents work in the administrative field, followed by women in the professional field. Nearly half of all the respondents have a family income of more than R50 000 per year. The majority of respondents are married and the second largest group have never been married. Nearly half of all the women have no children, and a large percentage of women have one or two children. Half of the women have no children under the age of 18 years and 4,5 % of women have one or two children under the age of 18 years.

If a single profile of the "average" female respondent could be developed, it could look as follows:

Race	:	White
Age	:	19 - 35 years
Marital status	:	Married
Home language	:	Afrikaans
Qualification	:	Std 9 - 10
Occupation	:	Administrative
Family income	:	More than R50 000 per year
Number of children	:	None, one or two
Children under 18	:	None, one or two

This profile sketches the average female employee within the company, without any outstanding characteristics.

4.3.2 Women's Experience of Different Forms of Sexual Harassment

In an effort to determine the extent to which female employees in the company experience any forms of sexual harassment, and who are usually the initiators of these behaviours, the following question was asked: "I would like to know if you have ever experienced any of the following situations in your present job. If you have, indicate as many situations as you have experienced and by whom. If you have not experienced a specific situation, just put a cross (X) in the last block only."

Eight scenarios were listed, which included unwanted letters, phone calls, materials of a sexual nature; unwanted sexually suggestive looks or gestures; unwanted sexual teasing, jokes, remarks or questions; unwanted deliberate touching, leaning over, cornering, or pinching; unwanted pressure for dates; unwanted pressure for sexual favours; actual or attempted rape or sexual assault; and threat or insinuation that lack of sexual submission would affect your employment, wages, advancement, or other working conditions. The analysis of these behaviour items is not to determine how many women have experienced any of these situations, but to determine the number of times these incidents occurred. Therefore, a woman could indicate that she experienced more than one incident, by more than one harasser, and all of these incidents will accumulate. Therefore, the total of the frequency column is 1 425 (more than the number of respondents), because the respondents experienced more than only one incident and indicated it in that way. The frequency of 201 in the first row, indicates that unwanted letters, phone calls, and materials of a sexual nature occurred 201 times to different respondents, by different harassers. The issue of the status of the harasser will be discussed at a later stage.

Table 22 : Frequency Distribution of Experiences of Different Forms of Sexual Harassment

TYPE OF INCIDENT	FREQUENCY (N = 588)	PERCENT
Unwanted letters, phone calls, materials of sexual nature	201	14.1 %
Unwanted sexually suggestive looks or gestures	297	20.8 %
Unwanted sexual teasing, jokes, remarks or questions	371	26.0 %
Unwanted deliberate touching, leaning over, cornering, or pinching	245	17.2 %
Unwanted pressure for dates	142	10.0 %
Unwanted pressure for sexual favours	82	5.8 %
Actual or attempted rape or sexual assault	43	3.0%
Threat/insinuation that lack of sexual submission would affect your employment, wages, advancement, or other working conditions	44	3.1 %
TOTAL	1 425	100 %

From the above table it is clear that the less "serious" forms of sexual harassment (if something like this exists) (e.g. letters, phone calls sexual material, suggestive looks/gestures; sexual teasing, jokes, remarks/questions; deliberate touching, leaning over, cornering and pinching) occurred more frequently than the more serious forms of harassment (e.g. pressure for dates and sexual favours; actual or attempted rape/sexual assault; threat/insinuation that lack of submission would affect employment conditions).

The most common harassment experiences were sexual teasing, jokes, remarks and questions (26,0 %), followed by sexually suggestive looks or gestures (20,8 %). Experiences that occurred less than the previous two experiences, but also quite frequently, were deliberate touching, leaning over, cornering or pinching (17,2 %), and unwanted letters, phone calls, and materials of a sexual nature (14,1 %). The least common harassment behaviours were actual or attempted rape or sexual assault (3,0 %) and threats/insinuations that lack of sexual submission would affect employment conditions (3,1 %).

4.3.3 Correlation between Status of Harasser and Type of Harassment

The reason for this analysis is to determine whether there exists a correlation between the status of the harasser and the type of harassment that he employs. If a correlation like this exists, it could assist the company in making employees aware of what to expect from whom and prepare employees to treat that specific situation from a person with a certain status.

Using an airline population, a US study focused on women's perceptions of socio-sexual behaviours in the workplace initiated by males with varying degrees of status. Female flight attendants were asked to record the incidence of sexual harassment by personnel of higher, equal, and lower status. A 3 x 3 repeated measures ANOVA, crossing behaviour with status, was performed on the number of personnel initiating harassment and the number of reported instances of harassment. Because of the way the question was stated in this instrument, it was unfortunately not possible to perform an ANOVA, but the following resulted:

Table 23 : Correlation between Status of Harasser and Type of Harassment

TYPE OF HARASSMENT	STATUS OF HARASSER					
	Higher level super	Immediate super	Co-worker	Other employee	Subordinate	Client/customer
Letters, phone calls, sexual materials	27	22	35	65	13	39
Sexually suggestive looks/gestures	43	29	73	84	17	51
Sexual teasing, jokes, remarks or questions	44	48	111	113	13	42
Deliberate touching, leaning over, cornering, or pinching	36	28	81	69	10	21
Pressure for dates	18	13	32	43	5	31
Pressure for sexual favours	21	10	15	19	4	13
Actual or attempted rape or sexual assault	11	6	9	10	4	6
Threat/insinuation that lack of sexual submission would affect employment conditions	15	8	8	5	4	4
TOTAL	215	164	364	408	70	207

From the previous table the following conclusions can be drawn: For the less serious forms of sexual harassment (e.g. letters, phone calls sexual material, suggestive looks/gestures; sexual teasing, jokes, remarks/questions; deliberate touching, leaning over, cornering and pinching), as well as for pressure for dates, the people responsible were in the majority of the cases either a co-worker of the recipient or other employees in the company with no direct working relationship with the recipient. Except for "pressure for dates", all the other types of harassment, are harassment which constitutes **hostile environment harassment**, which normally are applied by co-workers who are in the position of making the working environment unpleasant for a person.

When looking at the more serious forms of harassment (e.g. pressure for sexual favours; actual or attempted rape/sexual assault; threat/insinuation that lack of submission would affect employment conditions), the majority of the initiators were higher level supervisors, but other employees were also the culprits. The explanation for this phenomenon is that it is the person of this status who is in the position of offering positive or negative job outcomes if the recipient does not comply with his conditions (**quid pro quo harassment**). Other employees could also constitute managers/supervisors from other departments that are in the position of making promises or threats if the recipient does not comply.

These findings of the status of the harasser and the type of sexual harassment met the expectations that we had. It is quite obvious that people with a certain amount of power are in the position to make certain promises or threaten employees of a lower status. It are also the co-workers that women work with everyday and have contact with that do not have the power to promise or threaten, but have the power to make the working environment unbearable for the women that have to produce a certain output everyday in order for the company to reach its goals and be profitable. As evidence of the potential for co-worker complaints, a recent survey of federal civil service employees in the United States of America revealed the typical harasser to be a co-worker not in a direct supervisory line position. Compared to supervisors (bosses) and subordinates, co-workers and recipients are less constrained in their behaviour by formal authority relationships and are likely to have more daily contact with women workers.

4.3.4 Extent of the Sexual Harassment Problem

In order to proof the necessity/value of this study to the company, it is important to establish that sexual harassment does occur within the company and that a significant percentage of women are affected by it. The extent of the problem was determined by calculating the amount of women stating that they are/were victims divided by the total number of respondents (326 divided by 588). The result of this calculation gives an average of 55,44 % occurrence of sexual harassment for this specific sample of female employees. If this is generalised to the whole of the company, it can be accepted that the company faces a problem of sexual harassment, without having a policy against sexual harassment, a grievance procedure which victims can use, or an investigation procedure for investigating sexual harassment complaints.

In a number of surveys, 49 to 90 percent of women in various occupations surveyed, in separate studies, reported experiencing sexual harassment at work. In perhaps the most comprehensive US survey to date, the US Merit System's Protection Board queried federal employees in 1981 and found an incidence of sexual harassment experienced by respondents to be as high as 42 percent. In 1988, a questionnaire to update that study was sent to 13 000 federal government employees and 42 percent of the female respondents reported some form of unwelcome sexual occurrence again. The only extensive study done in 1992 among South African organisations, showed that 76 percent of the women said that they had been harassed either regularly or occasionally at work. According to these figures, the incidence rate that was found within this company, is therefore not excessive, but a true reflection of what is happening in companies all over the world.

4.3.5 Profile of the Sexual Harassment Victim

Because both women who experienced sexual harassment and women who have not experienced sexual harassment took part in the survey, the profile of the victims of sexual harassment could not be derived from the profile of respondents, but a different route had to be followed to develop a profile of the typical recipient of sexual harassment in this company and to see which variables determine vulnerability for sexual harassment.

The variable "ervaar" (experienced) was derived from questions 4.1 to 4.8 in the following manner: If a woman experienced any of the eight situations, no matter from whom, she gets a value of 1 for "ervaar". If a woman has never experienced any of these situations, she gets a value of 0 for "ervaar". The variable "ervaar" is cross-tabulated with the biographical variables in order to get an idea of how the profiles differ for women who have and have not experienced the mentioned situations. A chi-square test is performed for each table to detect significant differences between the profiles for each biographical variable.

Table 24 : Frequency Distribution of Victims' Experiences by Race

Frequency Expected	Black	Coloured	Asian	White	Total
Not experienced	33 32.082	36 35.646	34 30.745	159 163.53	262
Experienced	39 39.918	44 44.354	35 38.255	208 203.47	326
Total	72	80	69	367	588

Statistics for Table of Experience by Race

Statistic	DF	Value	Probability
Chi-square	3	0.901	0.825

The chi-square value of 0.901 is insignificant at the 5 % level, indicating that Experience and Race are independent of one another. The number of women who have experienced sexual harassment and the expected number do not differ significantly. This indicates that the experience of sexual harassment cannot be predicted by the race of the victim.

From the table it is, however, clear that the largest number of victims are white (63,8 %), but it has to be kept in mind that the majority of the respondents are white.

Table 25 : Frequency Distribution of Victims' Experience by Age

Freq Expe	<18	19-25	26-30	31-35	36-40	41-50	51-60	>60	Total
Nexp	3 1.34	67 80.82	53 61.62	54 51.8	40 30.81	34 30.36	12 5.80	0 0.45	263
Exp	0 1.66	114 100.1	85 76.38	62 64.20	29 38.19	34 37.64	1 7.2	1 0.55	326
Total	3	181	138	116	69	68	13	1	589

Statistics for Table of Experience by Age

Statistic	DF	Value	Probability
Chi-square	7	28.829	0.001

The chi-square value of 28.83 is significant at the 5 % level, indicating that Experience and Age are dependent of one another. For age category 2 (19-25 years), there are 114 women who experienced harassment while only 100 are expected in that cell. Also, for age category 2, there are only 67 who have not experienced harassment while it is expected that 81 would fall in that cell. Other big differences can be seen in age categories 3, 5 and 7. The age of a woman, therefore, seems to play a role when being considered for sexual harassment.

It is also clear from the table that the victims of sexual harassment fall in the lower age categories: 34,97 % in the category 19 to 25 years and 26,07 % in the age category 26 to 30 years. These findings are generally supported by previous survey research results. The Centre for Women's Policy Studies (1981), for example, found that older women reported relatively few incidences of sexual harassment, while those between the ages of 24 and 34 reported having experienced the most severe forms of sexual harassment. Similarly, the Merit Systems Protection Board (1981) found that women of 45 years and over were far less likely to report having experienced sexual harassment than younger women.

Table 26 : Frequency Distribution of Victims' Experience by Home Language

Frequency Expected	Afrikaans	English	Xhosa	Zulu	Sotho	Other	Total
Not-experienc	144 142.59	86 86.89	4 4.46	12 10.69	9 8.91	3 4.46	258
Experienc	176 177.41	109 108.11	6 5.54	12 13.31	11 11.09	7 5.54	321
Total	320	195	10	24	20	10	579

Statistics for Table of Experience by Home language

Statistic	DF	Value	Probability
Chi-square	5	1.273	0.938

The chi-square value of 0.938 is insignificant at the 5 % level, indicating that Experience and Home language are independent of one another. The number of women who have experienced sexual harassment and the expected number do not differ significantly. This indicates that the experience of sexual harassment does not correlate with the home language of the victim.

From the table it is, however, clear that the biggest number of victims are Afrikaans speaking (54,83 %), followed by English speaking women (33,96 %), but it has to be kept in mind that the majority of the respondents are white and therefore most probably Afrikaans or English speaking.

Table 27 : Frequency Distribution of Victims' Experience by Qualification

Frequency Expected	< Std 5	Std 6-8	Std 9 - 10	Diploma	Certificate	Degree	Total
Not-experienc	0 0.45	62 44.54	114 110.01	35 40.09	21 27.17	29 38.75	261
Experienc	1 0.55	38 55.46	133 136.99	55 49.92	40 33.83	58 48.25	325
Total	1	100	247	90	61	87	586

Statistics for Table of Experience by Qualification

Statistic	DF	Value	Probability
Chi-square	5	21.518	0.001

The chi-square value of 21.518 is significant at the 5 % level, indicating a significant relation between Experience and Qualification. The Qualification categories that show the big differences are 2, 5 and 6. For category 2 (std 6 to 8), there are 38 women who experienced harassment while it was expected that 55 would experience it. For category 5 (certificate), 33 women were expected to experience sexual harassment, but 40 women did and for category 6 (degree) 48 women were expected to have experienced sexual harassment, but 58 experienced it. It is therefore clear that the qualification of the woman does play a role when being considered for sexual harassment.

It is also clear from the table that the majority of the victims of sexual harassment have a qualification of standard 9 to 10 (40,92 %).

Table 28 : Frequency Distribution of Victims' Experience by Occupation

Freq Expe	Manag er	Profes sion	Admin istra	Operat ion	Techni cal	Quasi- tech	Suppo rtin	Gener al w	Total
Nexp	6 7.90	46 51.82	180 169.9	6 7.90	8 5.71	0 1.32	3 3.51	0 0.88	249
Exp	12 10.1	72 66.18	207 217.1	12 10.1	5 7.29	3 1.68	5 4.49	2 1.12	318
Total	18	118	387	18	13	3	8	2	567

Statistics for Table of Experience by Occupation

Statistic	DF	Value	Probability
Chi-square	7	9.549	0.216

The chi-square value of 9.549 is insignificant at the 5 % level, indicating that Experience and Occupation are independent of one another. The number of women who have experienced sexual harassment and the expected number do not differ significantly. This indicates that the experience of sexual harassment cannot be

predicted by the occupation of the woman.

From the table it is, however, clear that the largest number of victims are in the administrative occupational category (65.09 %), followed by women in the professional category (22,64 %).

Table 29 : Frequency Distribution of Victims' Experience by Income

Frequency Expected	<10000	10000- 20000	20000 - 30000	30000- 40000	40000- 50000	>50000	Total
Not- experienc	10 11.02	19 17.19	34 32.18	45 41	32 34.39	106 110.22	246
Experienc	15 13.98	20 21.81	39 40.82	48 52	46 43.61	144 139.78	312
Total	25	39	73	93	78	250	558

Statistics for Table of Experience by Income

Statistic	DF	Value	Probability
Chi-square	5	1.975	0.853

The chi-square value of 1.975 is insignificant at the 5 % level, indicating that Experience and Income are not dependent of one another. The number of women who have experienced sexual harassment and the expected number do not differ significantly. This indicates that the experience of sexual harassment does not correlate with the income of the woman.

From the table it is, however, clear that the largest number of victims are in the income category of more than R50 000 per year (46.15 %).

Table 30 : Frequency Distribution of Victims' Experience by Marital status

Frequency Expected	Married	Widowed	Divorced	Separated	Never married	Living together	Total
Not-experienced	125 120.68	3 2.24	33 35.89	4 3.59	89 90.18	8 9.42	262
Experienced	144 148.32	2 2.76	47 44.11	4 4.41	112 110.83	13 11.58	322
Total	269	5	80	8	201	21	584

Statistics for Table of Experience by Marital status

Statistic	DF	Value	Probability
Chi-square	5	1.668	0.893

The chi-square value of 1.668 is insignificant at the 5 % level, indicating that Experience and Marital status are not dependent of one another. The number of women who have experienced sexual harassment and the expected number do not differ significantly. This indicates that the experience of sexual harassment cannot be predicted by the marital status of a woman.

From the table it is, however, clear that the largest number of victims are married (44,72 %), followed by single women (34,78 %).

Table 31 : Frequency Distribution of Victims' Experience by Number of Children

Frequency Expected	None	1 - 2	3 - 4	5 - 6	Total
Not experienced	105 115.09	119 112.39	34 31.02	5 4.49	263
Experienced	151 140.91	131 137.61	35 37.98	5 5.50	322
Total	256	250	69	10	585

Statistics for Table of Experience by Race

Statistic	DF	Value	Probability
Chi-square	3	2.936	0.402

The chi-square value of 0.402 is insignificant at the 5 % level, indicating that Experience and Number of Children are independent of one another. The number of women who have experienced sexual harassment and the expected number do not differ significantly. This indicates that the experience of sexual harassment cannot be predicted by the number of children a woman has.

From the table it is, however, clear that the largest number of victims have no children (46,89 %), followed by women with one to two children (40,68 %).

From all of the above tables it seems that it are only the variables age and qualification that correlate significantly with women who are harassed. It seems that it are the younger women with a qualification of std 9 to 10 that are the most probable targets of sexual harassment in this organisation. Age is a measure of personal vulnerability and was expected to relate strongly with sexual harassment. There are no clear relationships between the other variables and being a victim of sexual harassment.

Although these are the only two determining variables for sexual harassment, it is still possible to compile a profile of the victim of sexual harassment in this study:

Race	:	White
Age	:	19 - 30 years
Home language	:	Afrikaans
Qualification	:	Std 9 - 10
Occupation	:	Administrative
Income	:	higher than R50 000 per year
Marital status	:	Married and single
Number of children:		None.

4.3.6 Profile of the Harasser

None of the sources that have been studied mention studies about the characteristics of the sexual harasser. This means that the assumptions being made about the harasser relies on the information obtained from victims of sexual harassment. The information is therefore based on the perception of the recipient and it could be that it is not a 100 percent true reflection of the harasser (e.g. age; qualification). Because of the practical implications of getting this information from the harasser himself, it was decided to at least get second-hand information about the harasser from the recipient, than no information at all.

The following information concerning the characteristics of the harasser was obtained from the respondents:

Table 32 : Length of Working Relationship with the Harasser

Length of time	Percent
Less than 1 day	7.2 %
1 day to 2 months	16.7 %
2 to 6 months	24.6 %
More than 6 months	51.5 %
Total	100 %

From table 20 it seems that it is unlikely that the new-comer will be the initiator of such behaviour. It is rather the person with whom the woman has had a longer relationship (of more than 6 months).

Table 33 : Quality of Working Relationship after Incident

Quality of Working Relationship	Percent
Better	8.6 %
The same	49.3 %
Worse	42.1 %
Total	100 %

Surprisingly enough half of the respondents said that their working relationship with the perpetrator remained the same after the incident. The reason for this could be that only a small percentage of women ever report the incident, but prefer to continue with the relationship as if nothing has happened. The favourite coping

strategy that women use, is the one of ignoring the behaviour and hoping that it will disappear. Therefore they will continue with the working relationship and bear with the behaviour. This explains why the relationship stays the same. However, 42.1 % of the respondents reported that the relationship between them and the perpetrator became worse after the incident. It is very likely that these women used other coping strategies to try and stop the behaviour, and even reported the behaviour. When incidents like these happen, with all the different impacts that it has on the victim (physical and psychological), it is quite normal to expect the relationship to deteriorate.

Table 34 : Behaviour towards other Women

Behaviour towards other women	Percent
Behaved in same way towards other	56.7 %
Did not behave in same way toward other	6.3 %
Do not know	37.0 %
Total	100 %

As is expected, it seems that the perceived harassers also behave in the same way towards other women, and not just towards the respondents. This is a phenomenon that is well-documented in other research and which refute the one myth of sexual harassment that women overreact, because it is only a man's way of courting. Harassers do not restrict themselves to just one woman.

Table 35 : Race of Harasser

Race	Percent
Black	12.8 %
Coloured	6.9 %
Asian	4.5 %
White	75.8 %
Total	100 %

The reason for this question in the instrument, was to determine the impact of race/culture on sexual harassment. Since the general worker occupational group was left out of the survey, it became very difficult to determine this impact, because of the small number of black respondents. From the table it is clear that the majority of harassers are white. This may not be a true reflection of this characteristic or

acquit all black men of sexual harassment, seeing that the majority of respondents were white women, and it seems likely that white women are being harassed by white men.

Table 36 : Age of Harasser

Age category	Percent
18 - 29 years	15.3 %
30 - 39 years	40.5 %
40 - 49 years	33.7 %
50 - 59 years	7.5 %
60 years and older	3.1 %
Total	100 %

The majority of harassers are perceived to be in the age category of 30 to 39 years of age, followed by the age category 40 to 49 years, which gives a large group of men between the ages of 30 and 59 years. The fact that only 15,3 % of the harassers are in the age category of 18 to 29 also refutes the one possible motivation for sexual harassment - the natural/biological model - which rests on the assumption that the human sex drive is stronger in men. If this was true, we would expect more harassers in the age group with the highest biological sex drive, which would be the first category of 18 to 29 years of age.

Table 37 : Marital Status of Harasser

Marital status	Percent
Unmarried	13.5 %
Married	74.7 %
Separated	1.0 %
Divorced	10.7 %
Total	100 %

The majority of harassers seem to be married (74,7 %). This fact refutes yet another myth of sexual harassment - that sexual harassment is only a crude attempt to start a relationship. If this was true, it would be expected that the harasser would be unmarried.

Table 38 : Qualification of Harasser

Qualification	Percent
Std 5 and lower	0.7 %
Std 6 - 8	11.2 %
Std 9 - 10	44.2 %
Diploma/Certificate	25.6 %
Degree	18.2 %
Total	100 %

From the above table it is clear that the majority of the harassers are men with a qualification of std 9 to 10, followed by those holding a diploma/certificate. Because it seems that the less serious forms of harassment occur more frequently, and that the initiators of these forms of harassment are usually co-workers (on the same level), and that the majority of respondents are working in the administrative field, then this finding makes perfect sense because it is the kind of qualification that correlates with this occupational group.

Table 39 : Perceived Attractiveness of Harasser

Perceived Attractiveness	Percent
Very attractive	6.5 %
Average	59.5 %
Unattractive	34.0 %
Total	100 %

The majority of harassers are evaluated as being of average attractiveness (59,5 %), with quite a large percentage of harassers being seen as unattractive (34 %).

If a profile of the average sexual harasser in the company (according to the perceptions of the recipient of sexual harassment) can be constructed, it would look as follows: the recipient and the harasser usually have a working relationship of more than 6 months; the working relationship stays the same even after the incident(s), but there exists a large possibility that the relationship could deteriorate. Perpetrators do not always restrict themselves to only one victim, but are able to harass more than one woman. The majority of harassers are white, fall in the age

category 30 to 49 years, are married and holds a qualification equal to std 9 to 10. The majority of harassers are perceived to be of average attractiveness.

Because the opinions of men and women differ with regard to sexual harassment, it will be desirable that researchers try to get firsthand knowledge about the harasser, and not rely solely on the perceptions of the victim.

4.3.7 Reactions to Sexual Harassment

To determine what kind of coping strategy women used most frequently when confronted with a sexual harassment situation, the following question was asked: "I would like to know how you reacted on this particular incident that you experienced and if you reported it or not. What did you do after the man's behaviour towards you? (Tick more than one if appropriate)." Because respondents were allowed to indicate more than one reaction, it should be noted that the total of the reactions column is larger than the sample of respondents.

Table 40 : Frequency Distribution of Reactions to Sexual Harassment

Reaction	Frequency	Percent
Ignored it/did nothing	95	13.32 %
Avoided the man	103	14.44 %
Asked/told the man to stop	142	19.92 %
Made a joke of the behaviour	48	6.73 %
Verbally attacked/abused, threatened, embarrassed, ridiculed, cursed, screamed	18	2.52 %
Slapped, hit, kicked, shoved away, removed hand, physically resisted/retaliated	33	4.63 %
Wrote a note, lied/deceived to put man off	9	1.26 %
Reported the behaviour to the supervisor/manager	59	8.27 %
Threatened to tell or told other workers	32	4.49 %
Felt flattered/complimented	7	0.98 %
Went along with behaviour, and viewed it as a chance for job enhancement/socialisation	6	0.84 %
Went along with the behaviour for fear of retaliation/played along for the sake of peace	11	1.54 %

Reaction	Frequency	Percent
Discussed it with people outside work	86	12.06 %
Changed yourself (behaviour/clothes)	26	3.65 %
Took days off work	6	0.84 %
Asked for a transfer	16	2.24 %
Left the job/quit	1	0.01 %
Reported it to the union	1	0.01 %
Requested an investigation by the company	6	0.84 %
Filed a grievance	6	0.84 %
Requested an investigation by an outside agency	0	0 %
Took legal action/went to court	2	0.03 %
Total	713	100 %

Respondents were asked to indicate all response actions they had taken. Only a very small percentage of victims went along with the overtures of the harasser (0.84 %), in the hope of job enhancement/socialisation, and a very small percentage felt flattered or complimented by the behaviour. The reaction that was utilised most frequently was to ask or tell the perpetrator to stop the behaviour (19,92 %). The second most used strategy was to avoid the person who was harassing them (14,44 %). The third and fourth most used coping strategy was to ignore the behaviour or do nothing about it (13,32 %), and to discuss the incident with people outside the work (e.g. family and friends) (12,06 %). Such indirect and non-threatening behavioural responses may reflect feelings of powerlessness or may reflect victims' feelings that the behaviour is not a problem for them.

For purposes of analysis, the response of each victim in the subsample to this item was scored in terms of the single most assertive action she had reported taking. Available alternatives are rank ordered from most to least assertive as follows: taking formal action, reporting to a higher authority, objecting to the harasser, avoiding the harasser, joking about the incident, ignoring the incident.

Table 41 : Frequency Distribution of Most Assertive Reactions toward Sexual Harassment

Reaction	Frequency	Percent
Took formal action	15	2.87 %
Reported incident to a higher authority	59	11.3 %
Objected to the harasser	202	38.7 %
Avoided the harasser	103	19.73 %
Joked about the incident	48	9.2 %
Ignored the incident	95	18.2 %
Total	522	100 %

With this scoring system, objecting was found to be the most frequently utilised response, reported by 38,7 % of victims. Approximately 19,73 % of respondents chose to avoid the harasser and 18,2 % did nothing beyond ignoring the harassment. Relatively few victims (11,3 %) reported the harassment to a higher authority, and only 2,87 % used formal complaint channels. One of the reasons for the poor utilisation of formal complaint channels could be that it is non-existent or not known to the recipients of sexual harassment. Another reason for this could be that women are afraid of the process and see it as similar to the reporting of rape and all the consequences thereof. Formal actions involve complex procedures which may take years to complete. Victims must rely on investigators to pursue the case, and often investigators do not seriously pursue sexual harassment cases. In legal suits, the issue must be taken to court. Once in court the case can continue for years as it goes through various hearings and appeals. Generally, victims must hire legal counsel to assist in the process. Consequently, a victim who uses formal actions must have both the financial and psychological resources for extended litigation. Formal channels are also often not used because women do not think that the behaviour justify this kind of reaction, or they do not even label the behaviour as sexual harassment.

Moreover, for those that can withstand the potential hardships, formal action does not necessarily lead to successful resolution of the problem. Analysis of the USMSPB data revealed that 47% of those who used formal action found that it "made things better," while 33% found that it "made things worse". Given the

immense psychological and economic costs to individuals who use formal action, in contrast to the potentially meagre gains, it is not surprising that so few victims choose this response.

4.3.8 Reasons for Non-Reporting of Sexual Harassment

The reluctance to report sexual harassment has been variously interpreted. Some regard the low reportage rate as a proof that the statistics are exaggerated or that the victims of sexual harassment are not sufficiently disturbed to feel the need to complain. Rather, the low reportage demonstrates that the majority of victims deliberately avoid institutional remedies. The following were reasons given for not reporting sexual harassment:

Table 42 : Frequency Distribution of Reasons for Non-Reporting of Sexual Harassment

Reasons for Non-Reporting	Frequency	Percent
Didn't know what action to take	17	3.71 %
Didn't know who to talk to	18	3.93 %
Didn't want to make a fuss	78	17.03 %
Didn't think it was serious	91	19.87 %
Didn't want to look stupid	12	2.62 %
Didn't think anything would be done	35	7.64 %
Was afraid of the consequences	28	6.11 %
Thought it was own fault/should've prevented it	13	2.84 %
Was afraid to be victimised	22	4.80 %
Didn't want to hurt the man	15	3.28 %
Was embarrassed	36	7.86 %
Saw no real need to report it	78	17.03 %
Absence of an internal complaint procedure	4	0.87 %
Would take too much time and effort	7	1.53 %
Other	4	0.87 %
TOTAL	458	100 %

It seems that the majority of the respondents did not report the incident because they did not think that it was serious enough (19,87 %) - again the lack of ability or willingness to label sexual harassment as such and realise the implications thereof. The other main reasons for non-reportage are that they did not want to make a fuss (17,03 %) (and be seen as trouble-makers and causing problems for the harasser)

and they saw no real need to report it (17,03 %). Other reasons that were given included the fear of embarrassment (7,86 %), they did not think anything would be done about it (7,64 %) and they were afraid of the consequences (6,11 %).

4.3.9 Support

Flowing from the item on respondents' reactions after sexual harassment (4.3.7), (which included a reaction of discussing the harassment experience with somebody), another item asked respondents to indicate whom they spoke with and if this "made things better," "worse," or "made no difference".

Table 43 : Frequency Distribution of Person with whom Sexual Harassment was Discussed

Person	Frequency	Percent
Friend(s)	138	37.8 %
Parents	28	7.67 %
Colleagues	106	29.04 %
Supervisor/manager	51	13.97 %
Trade union representative	3	0.82 %
Counsellor/therapist	7	1.92 %
Doctor	3	0.82 %
Police	1	0.27 %
Other:		
Boyfriend	4	1.1 %
Husband	19	5.21 %
Human Resources Department	1	0.27 %
Aunt	1	0.27 %
Director	1	0.27 %
Total	365	100 %

Of the respondents who talked with someone, most spoke with friends (37,8 %) and colleagues (29,04 %). This was followed by talking to the supervisor or manager (13,97 %) and talking to their husbands (5,21 %). More formal systems (e.g. trade unions, human resources department) were rarely used. This could be interpreted that the systems are not known to the victims, that they are afraid of the consequences when using the systems, or that they do not have any confidence in the results that these systems would yield.

Table 44 : Effect of Talking to Somebody

Effect	Percent
Made things better	41.1 %
Made things worse	3.9 %
Made no difference	55.0 %

Of those who spoke with someone, 55 % said that talking to somebody "made no difference," while 41,1 % said that it "made things better."

The following table shows the effect on the victim after talking to somebody specific about her experience(s).

Table 45 : Individual Effect of Talking to Somebody

Person	Made things better (%)	Made things worse (%)	Made no difference (%)
Friends	41.35 %	4.51 %	54.14 %
Parents	34.62 %	11.54 %	53.85 %
Colleagues	38.46 %	2.88 %	58.65 %
Supervisor/ manager	60.87 %	8.70 %	30.43 %
Trade union	66.67 %	0.00 %	33.33 %
Counsellor	57.14 %	0.00 %	42.86 %
Doctor	66.67 %	0.00 %	33.33 %
Police	100.0 %	0.00 %	0.00 %
Husband	63.19 %	5.26 %	31.58 %

Those who talked with friends (41,35 %) more often said things were better than those who talked with co-workers (38,46 %), but speaking to supervisors/ managers (60,87 %) was perceived as more effective than talking with friends. According to this data, speaking to management level personnel (supervisors) was the most likely to "make things better". In all probability, these people were best able to influence the harasser. While victims most frequently talked with friends or co-workers, these support systems were among the least likely to be seen as having a positive effect, although they were also least likely to be associated with negative effects.

The effectiveness of support systems may be evaluated in terms of their impact on victims' ability to respond. Indeed, a major goal of support services is to help victims develop more effective responses. Although the data cannot be used to determine if

support changed the type of response made by victims to harassment incidents, they can be used to identify associations between responses and support systems.

4.3.10 Effect of Sexual Experiences on Women

4.3.10.1 Emotional Responses

In this study, eleven different affective responses of victims to their sexual harassment were assessed by asking the following question: "I would like to know what impact this sexual experience(s) had on you as person, as well as an employee. How would you describe your emotional response after this experience(s)? (Tick more than one if appropriate)." Because respondents could indicate that they experienced more than one response, the total of the frequency column is larger than the number of respondents.

Table 46 : Frequency Distribution of Emotional Responses to Sexual Harassment

Emotional Response	Frequency	Percent
Anger	137	20.57 %
Fear	43	6.46 %
Intimidation	35	5.26 %
Guilt	17	2.55 %
Embarrassment	126	18.92 %
Flattered	10	1.50 %
Nervousness	57	8.56 %
Insult	78	11.71 %
Friendliness	7	1.05 %
Disgust	104	15.62 %
Pleasure	2	0.30 %
No effect	50	7.51 %
Total	666	100 %

Among the emotional responses that harassment elicits, anger was the response that was experienced by most of the victims (20,57 %), followed very closely by embarrassment (18,92 %), disgust (15,62 %) and insult (11,71 %). Yet, several factors inhibit many women from directly expressing their anger. Chief among these are fear (6,46 %), intimidation (5,26 %) and nervousness (8,56 %). Many victims

are afraid that direct expression of anger will result in negative job changes. Women are also encouraged to be “nice” and also to avoid challenging males, both of which are violated if women express anger at sexual harassment. However, ignoring the behaviour and thus avoiding a confrontation often results in continued harassment.

It is clear that women do not like or welcome socio-sexual encounters in the workplace, no matter how inviting or attractive we make the potential workplace by varying status and behaviour. The results of this study demonstrated an absence of positive emotional reactions in response to harassment.

4.3.10.2 Psychological and Physical Reactions

To determine what effect the sexual harassment experience(s) had on the recipients, the following question was asked: “Did you experience any of the following psychological and physical reactions after the incident(s)? (Tick more than one if appropriate).”

Table 47 : Frequency Distribution of Psychological and Physical Reactions to Sexual Harassment

Psychological and Physical Reactions	Frequency	Percent
Tension, irritation, depression	92	21.45 %
Fear and anxiety	43	10.02 %
Migraine	16	3.72 %
Increased alcohol, cigarette and/or drug abuse	6	1.4 %
Sleeplessness and tiredness	28	6.53 %
Problems with weight and diet	22	5.13 %
Sense of powerlessness / helplessness / vulnerability	45	10.49 %
Coronary heart disease	3	0.7 %
Difficulties with family & personal relationships	24	5.59 %
Physical and mental illness	6	1.4 %
No effect	144	33.57 %
Total	429	100 %

Although 33,57 % of the respondents felt that they did not experience any of the above reactions, 21,45 % of the respondents reported experiencing tension, feeling irritated and depressed. Besides this reaction 10,49 % of the women said that they experienced a sense of powerlessness/helplessness or vulnerability and 10,02 %

said that they experienced fear and anxiety. When analysing these reactions, it is not surprising that so few women report sexual harassment or utilise formal channels to address the problem. These reported reactions also refute the popular myth that sexual harassment is trivial and just harmless fun. If women experienced it as fun, why would they experience these negative consequences?

4.3.10.3 Effect on Work Situation

The knowledge that victims have negative emotional reactions is not as likely to impress employers as the fact that those emotional reactions have work-related consequences. Therefore, the following question was put to respondents to determine the effect that the sexual harassment experience(s) had on their work: "Have any of these incident(s) affected your work situation in any way, by (Tick more than one if appropriate):" Because respondents had the choice to choose more than one alternative, the total of the frequency column exceeds the number of respondents.

Table 48 : Frequency Distribution of the Effect of Sexual Harassment on Work Situation

Effect on Work	Frequency	Percent
Making you less friendly	76	15.11 %
Making you dress differently	31	6.16 %
Making you avoid the man/men	80	15.90%
Making you lose interest in your work	15	3.00 %
Spoiling your chances of promotion	15	3.00 %
Affecting your job performance	19	3.78 %
Asking for a transfer	25	5.00 %
Making you feel isolated from other employees	21	4.17 %
Making it difficult to concentrate	17	3.38 %
Affecting the way you relate to other people	52	10.34 %
Being absent more often	8	1.59 %
Affecting your job satisfaction	21	4.17 %
Quitting your job	4	0.80 %
Being fired from your job	2	0.40 %
No effect	117	23.26 %
Total	503	100 %

The majority of the respondents reported that they did not experience any of the above effects towards their work. From the above table it seems that women do try and deal with the problem themselves, rather than having it interfere with her daily work. Quite a few women (15,11 %) said that the incident(s) caused them to be less friendly at work and 15,9 % reported that they tried to deal with the situation by avoiding the man/men, while 10,34 % said that it affected the way they relate to other people. Although only a small percentage of women reported that it made them lose interest in their work (3 %), affected their job performance (3,78 %), or made them stay away from work (1,59 %), all of the reactions have a definite impact on the workplace, their productivity and ultimately the profitability of the company.

If a woman deals with the situation by avoiding the harasser and they are supposed to have a close working relationship for the best output, it will definitely influence their productivity. The same goes for women being less friendly at work and the atmosphere that that could create in the workplace, as well as the relationships between colleagues.

4.3.11 Assignment of Responsibility/Blame

To determine who the victim feel is to blame for the incident(s) the following question was asked: "I would like to know who you feel is to blame for this experience that you had. Look at the following statements and indicate if you agree or disagree, by using the following scale:

1. disagree strongly
2. disagree
3. neutral - neither agree nor disagree
4. agree
5. agree strongly."

For the purposes of this analysis the two categories of "agree" and "agree strongly" were collated.

Table 49 : Frequency Distribution of Assignment of Responsibility/Blame

Blame	Frequency	Percent
Perhaps something in my behaviour brought it about.	38	14.1 %
Perhaps something in my behaviour may have encouraged the man.	43	16.2 %
The man is to blame for the whole situation.	182	67.7 %
The environment/atmosphere I work in, allows/encourages this kind of behaviour.	61	23.1 %
I am the sort of person these kinds of incidents are likely to happen to.	35	13.3 %

In 67,7 % of the cases the victim felt that the harasser is the person that should be blamed for the situation, and 23,1 % of the times the environment/atmosphere that they work in was to blame. The other three items were designed to measure the presence of self-blame.

Two different kinds of self-blame exist: control related self-blame and esteem related self-blame. With the former self-attributional strategy, persons blame the unfortunate incident on their own behaviour, such as having engaged in a certain activity, or inversely, having failed to do so. In the latter type of self-blame, the persons fault their own character. While the self-blame focused on behaviour is termed "behavioural", the esteem related self-blame is termed "characterological". The majority of victims did not evidence self-blame; only 14,1 % of the 135 victims agreed with the first statement, 16,2 % with the second statement, and 13,3 % with the third.

4.4 Conclusions

4.4.1 Exploratory Study

Most of the research reported and discussed in this study was conducted in an exploratory mode, appropriate to initial stages of research on a newly-emerging social issue. The almost exclusive use of survey methodology and correlational techniques is characteristic of this stage of investigation since such approaches provide a relatively low-cost way to pursue a number of different potential directions at the same time. The absence of any single agreed-upon conceptual framework or

research paradigm allows for flexibility and discovery.

In an effort to determine the extent to which male and female employees recognised certain behaviours as sexual harassment, the following findings became evident: both men and women recognised the more serious forms of sexual harassment as such (this included: Asked to have sexual relations with the understanding that it would hurt your job if you refused or help it if you accepted; Asked to go out with someone with the understanding that it would hurt your job if you refused or help it if you accepted; Touching that was meant to be sexual; Sexual assault/rape; Sexual proposition linked to negative job conditions). Although both men and women recognised these behaviours as serious sexual harassment, which is coercive or physically intrusive, women perceived it as being more serious than what men did. However, there was less consensus and a great deal of ambivalence in employees' use of the term sexual harassment on the less serious, but decidedly more common, interactions. When this situation exists, the specific behaviour often does not get labelled as sexual harassment. It is therefore necessary to educate employees and raise their awareness as to what exactly constitutes sexual harassment. This could be done by issuing a sexual harassment policy for the company to raise the employees' awareness, assisted by a training programme to educate employees on the various aspects of sexual harassment.

Concerning men and women's attitudes towards women in general, women in the workplace, sexual harassment and sexual experiences at work, there do exist some significant differences. Men tended to assign more responsibility to the victim of sexual harassment than did the women. Women assigned a higher score to the statement that sexual harassment is seeking power and has a negative effect on the workplace and the company. As was expected, men agreed more that women see it as complimentary if they are asked to have sexual relations at work, and that the issue of sexual harassment has been exaggerated - most incidents are normal sexual attraction between people.

4.4.2 The Major Study

As regards the relative frequency of occurrence of various forms of sexual harassment, the research indicates that unwanted sexual teasing, jokes, remarks or questions, unwanted sexually suggestive looks or gestures, and unwanted deliberate touching, leaning over, cornering, or pinching are the most frequently experienced forms of sexual harassment. Actual or attempted rape or sexual assault and threat/insinuation that lack of sexual submission would affect your employment conditions were much less frequently experienced by working women. The percentage of female employees who have encountered sexual harassment in this specific sample accumulated to 55,44 percent. It is therefore clear that the need exists for some form of intervention to bring this figure down and to assist both male and female employees to enable them to deal with situations like these described here, should they occur.

For the hostile environment kind of sexual harassment, as well as for pressure for dates, the people responsible were in the majority of the cases either a co-worker of the recipient or other employees in the company with no direct working relationship with the recipient. For the more serious forms of sexual harassment, the majority of the initiators were higher level supervisors, but other employees were also the culprits. These harassers are often the people in the positions and with the power to offer positive or negative job outcomes if the recipient does not comply with his conditions (quid pro quo harassment).

From the available information it seems that it are only the variables age and qualification that correlates significantly with women who are harassed. There are no clear relationships between the other tested variables and being a victim of sexual harassment. In this study the profile of a victim, however, shows that it is a young, white woman, married or single, with no children, Afrikaans speaking, with a standard 9 to 10 qualification, working in the administrative field. The age usually indicates the vulnerability of someone who is new in the company, without much work experience, and who do not know the ropes around the office environment of how to deal with situations like these. This profile is not necessarily accurate, because of the overrepresentation of respondents who fit this profile.

The profile of the alleged harassers was obtained from the recipients of harassment, and not from the alleged harassers themselves. The information is therefore based on the perception of the recipient and it could be that it is not a 100 percent true reflection of the harasser. Harassers are normally people with whom the recipient has had a working relationship of longer than 6 months. Half of the respondents said that their working relationship stayed the same after the incident, but 42,1 percent said that the relationship deteriorated. It also seems that this man behave in the same way towards other women, indicating that harassers do not restrict themselves to only one woman. Although a harasser could be anyone, in this study it was mainly men of the age group 30 to 49 years, married, with a qualification of standard 9 to 10 and they were perceived by the women as being of average attractiveness.

With regard to women's reactions to sexual harassment, objecting was found to be the most frequently utilised response, followed by the option to avoid the harasser and thereafter to ignore the behaviour. The reason for the poor utilisation of formal complaint channels could be that it is non-existent or not known to the recipients. Many women are also afraid of the process and complex procedures involved, or they do not think that the behaviour justify this kind of reaction. For this reason it is important to publicise and make people aware of the complaint procedures available and to make it as user-friendly as possible. Linked to women's reactions to sexual harassment, the reasons given for not reporting these incidents are that they did not think it was serious enough, they did not want to make a fuss, and they saw no real need to report it. Therefore, publicise the results of previous cases to make women aware that it is not a futile exercise, but that it can yield returns. People must also be made aware of what kind of behaviour justify what kind of reactions. Of the respondents who did talk to somebody, most of them spoke to friends and colleagues. More formal systems were rarely used. Again this could be an indication that these systems are not known, that people are afraid of the consequences of using them, or that they do not have confidence in the results of the system. Therefore, the company has a responsibility to make all their employees aware of how the complaint procedures operate and to ensure them of the fairness of the system.

Contrary to many of the myths surrounding sexual harassment, it has many negative effects on women. Among the emotional responses that harassment elicits, anger was experienced the most, followed by embarrassment, disgust and insult. The results of this study demonstrates an absence of positive emotional reactions to harassment. The psychological and physical reactions to sexual harassment included experiencing tension, feeling irritated and depressed, a sense of powerlessness/helplessness/vulnerability and fear and anxiety. When analysing these reactions, it becomes evident that the employer should provide support for the victims of sexual harassment to help them deal with these reactions and help them to confront the situation, despite their feelings of powerlessness.

To the benefit of the employer, it does not seem that these experiences interfere too much with the work situation. This reinforces the notion that women try and deal with the problem themselves and experience it as a personal issue. Although this might be the case, quite a few women reported that the incident(s) caused them to be less friendly at work and affected the way they relate to other people. Still all of these reaction have a definite impact on the workplace, the people's productivity and ultimately the profitability of the company. Therefore, with a 55,44 percent occurrence of sexual harassment, the company should definitely put processes and structures in place to try and avoid these kind of incidents and help recipients deal with it when it does occur. Although the majority of women do not utilise the formal complaint procedures, the majority of them feel that the harasser is the person to be blamed for the situation and not themselves. This has got definite implications when designing a training/awareness programme to know that women do not blame themselves for these incidents.

From the information in this chapter it is clear that the company has a problem concerning sexual harassment and that, from the findings, there are quite a few initiatives they can take to try and prevent it from happening and to help the recipients of these incidents to deal with these situations (this will be discussed in chapter 5). The outcomes of sexual harassment can be quite serious and can exert a strong negative influence upon a woman's career, as well on the company's productivity and profitability.

CHAPTER 5

ESTIMATED VALUE OF STUDY, CRITIQUE AND RECOMMENDATIONS

For every study completed, there are the possibility of critique and further recommendations, also for this particular study. This chapter looks at the limitations of the study and the recommendations for further research.

5.1 Estimated Value of this Study

The need for an in-depth South African study became apparent after quite a few problems have been identified and satisfactory answers could not be found in the existing literature. The absence of extensive South African research also necessitated this project (to make sure that international findings can be generalised to South Africa). Eight goals were set for this specific study and the value of this study would be to satisfy the goals set out in chapter 1 (1.3). Three of the eight goals were attained within the scope of this dissertation: the extent of the problem was determined, a widely agreed upon working definition was developed, and suggestions were formulated to the company in terms of a policy on sexual harassment, mechanisms to receive and process complaints of sexual harassment and training programmes to educate employees. Three other goals (a common understanding/perception concerning sexual harassment, the elimination of myths, and the education of women to recognise sexual harassment, cope with it and where to go to) will also be attained via the proposed training programmes to the company. Each of the goals will be stated again with the possible solution/recommendation to it.

5.1.1 Extent of the problem

It was crucial that the determination of the extent of sexual harassment should be the first objective of this research. If it was found that the problem of sexual harassment does not exist in the company, there would have been no need to continue with the study and no need for recommendations to be made to the

management of the company. In order to get the attention of management and to make them believe that sexual harassment is a reality within the company, the average occurrence of sexual harassment had to be calculated. This resulted in **55,44 percent** of the women in the sample acknowledging that they are/were the victims of different forms of sexual harassment in the company. It is obvious that we are witnessing an abuse which is systematic rather than individual/personal, and as such, the situation clearly calls for a comprehensive response.

5.1.2 Definition of Sexual Harassment

From the literature it seems that there is a lack of a widely agreed upon, commonly accepted working definition of sexual harassment. Such a definition is, however, very important because it educates the workplace and promote discussion and conscientious evaluation of these experiences. It is also crucial to helping those who have been harassed, if they can identify what has happened to them as sexual harassment.

After studying the various definitions from the available literature (with their strengths and weaknesses), a definition of sexual harassment has been developed - one that is broad enough to include the variety of experiences to which sexual harassment refers, but yet specific enough to be practical.

SEXUAL HARASSMENT is: **Unwelcome** and **unwanted** conduct (behaviour) of a **sexual nature** that asserts a person's **sex role** over his/her function as a worker, and which is **offensive** to the worker, which causes the worker to feel **threatened, humiliated, patronised or harassed**, which interferes with the worker's **job performance** or creates a **threatening/intimidating work environment**.

The definition should affirm that sexual harassment is damaging to the work environment, refers to a broad range of behaviours, and may occur as single or repeated incidents.

5.1.3 Preventive Measures

One of the ultimate objectives of this study was to make suggestions to the company on how to prevent sexual harassment, or at least manage it if it does occur.

It would be naive for any organisation to believe that sexual harassment could never occur within its walls. The absence of complaints does not necessarily mean that an organisation has nothing to worry about. It only mean that sexually abused workers don't know how to raise a complaint or they fear retaliation. Under these circumstances, if a complaint were to surface and proceed to court, it is clear that the employer would have difficulty establishing an advantageous position for defense. Employers can, however, take the following measures to prevent incidents of sexual harassment at their workplace.

5.1.3.1 Policy on Sexual Harassment

First, the single most effective tool in the prevention arsenal is a well-drafted, well-communicated policy statement. As a start, employers should review their policies and procedures and eliminate sex-segregating ones which potentially foster a debilitating work environment. These include, among others, sex-segregated job categories and sex-based differential pay rates for jobs with substantially similar responsibilities and skills.

Policies clearly state what is acceptable, expected and unacceptable; thus, if the company does not have a policy that includes sexual harassment, then you as employer leave yourself vulnerable to problems. You actually have to wait for harassment to occur, thereby putting yourself in a reactive position.

After taking all the guidelines in available literature into consideration, the following policy on sexual harassment has been developed for the company, aimed at preventing sexual harassment from occurring and at ensuring that, if it does occur, it does not recur:

TRANSNET'S POLICY PROHIBITING DISCRIMINATION RESULTING FROM SEXUAL HARASSMENT

Transnet's policy on sexual harassment is underpinned by our value of non-discrimination which dictates that all of our employees should be able to enjoy a work atmosphere free from all forms of discrimination, including sexual harassment. Sexual harassment infringes on an employee's right to a comfortable work environment, and is a form of misconduct which undermines the integrity of the employment relationship. No employee - male or female - should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal, non-verbal or physical. It is important to remember that the harasser may be male or female or of the same sex as the victim. Sexual harassment may be caused by a person in authority, such as a supervisor, or by a co-worker, or by a non-employee, such as a customer or client of Transnet.

Definition of Sexual Harassment

We recognise that what one person regards as sexual harassment another may see as inoffensive. Nonetheless a working definition is essential and, in our view, it must clearly convey that sexual harassment constitutes unwelcome and unwanted behaviour of a sexual nature that asserts a person's sex role over his/her function as a worker, and which is offensive to the worker, which causes the worker to feel threatened, humiliated, patronised or harassed, which interferes with the worker's job performance or creates a threatening/intimidating/hostile work environment.

Such conduct is prohibited. These may include, but are not limited to:

- *repeated offensive sexual flirtations, advances, or propositions;*
- *continued or repeated verbal abuse of a sexual nature;*
- *explicit or degrading verbal comments about another individual or his or her appearance;*
- *the display of sexually suggestive pictures or objects;*

- *physical contact such as patting, pinching, or constant brushing against another's body;*
- *any offensive or abusive physical conduct; or*
- *the taking of or the refusal to take any action which will impact on the individual's employment, assignment, compensation, advancement, career development, shifts, or any other condition of employment on the basis of an employee's submission to or refusal of sexual overtures.*

Procedure

Any person considering himself or herself to be a victim of sexual harassment, as described above, and who wishes to have his or her complaint dealt with internally should follow the procedure set out below:

- *The complaint must be reported orally or in writing to a higher level supervisor, to an appropriate personnel officer, to the Transnet Ombudsman, or to anyone authorised to deal with discrimination complaints.*
- *The appropriate people will investigate the validity of the complaint.*
- *If the complaint is valid, the misconduct shall be dealt with in accordance with the company's disciplinary code and procedures (which may, in extraordinary circumstances, include in camera proceedings).*
- *Serious violations can lead to dismissal and, depending on the circumstances, suspension, demotion or discharge, without prejudice to the provisions of civil law according to which the victim of sexual harassment is entitled to claim damages from the perpetrator of sexual harassment.*

All persons who have been informed of cases of sexual harassment as set out are bound to the strictest confidentiality regarding the identity of the victim and the circumstances in which the events took place.

*The company **will** institute immediate disciplinary action against any employee allegedly engaging in sexual harassment. This policy is applicable to all employees and agents of Transnet and is established to protect employees, applicants, and other individuals for whom Transnet is responsible.*

Communication of the Policy

Staff at all levels need to be made aware that acts of sexual harassment are not acceptable. Managers, in particular, as well as setting a good example themselves should be ready to deal promptly with complaints of sexual harassment. In this respect, it is obviously important and necessary that those whose activities are complained of should receive a clear indication that their attentions are unwanted and unwelcome. The complainant may feel intimidated in this and may need support from a friend, sympathetic colleague, union representative or welfare officer in drawing attention to the matter. All staff should be assured they can proceed, if necessary, with a formal complaint without fear of subsequent victimisation.

Because of the differences in employee's values and background, some individuals may find it difficult to recognise their own behaviour as sexual harassment. To create awareness of office conduct which may be construed as sexual harassment, we will incorporate sexual harassment training in future managerial, supervisory, equal opportunities, employee induction and other appropriate training courses. Additionally, a copy of this policy kit will be placed in each new employee induction kit.

Any questions regarding this policy should be addressed to

Any employee who believes that he or she had been the victim of sexual harassment, or who has any knowledge of that kind of behavior, is urged to report such conduct immediately to _____

A policy in itself cannot prevent or protect employees from sexual harassment. It must be properly implemented and communicated in order to be effective. (In chapter 2 (p 145) a few methods of distributing and communicating the policy are discussed.)

5.1.3.2 Complaints Mechanism (Chapter 2 - 16.6.1)

In addition to these actions, the knowledgeable employer should develop a formal mechanism that promptly, fairly, and confidentially handles complaints of sexual harassment, yet also serves to protect those accused from unfounded or frivolous complaints. This could be anything from establishing completely separate apparatus to giving responsibility to a part of the department already set up to address other complaints. It should be kept in mind that a sexual harassment complaint does differ from other types of routine complaints, in that it involves accusations made by one employee against another claiming sexual misconduct at work, it is an extremely sensitive issue which can affect the lives and reputations of many people, it involves judging the guilt or innocence of a person, oftentimes based on only indirect or single circumstantial evidence, and the mishandling of a complaint can lead to damaging legal and financial consequences for the company.

The required mechanism must include a complaint procedure, an investigation process, a system of imposing penalties and granting remedies, as well as an appeal procedure. It is desirable that a specific individual or group of individuals be appointed to deal with the allegation of sexual harassment. These individuals should be neutral, unbiased, and well qualified to deal with these particular issues.

Well-informed, visible **support offices** are essential to prevent sexual harassment. The role can be filled by a variety of offices, such as those of ombudsman, affirmative action/employment equity, or the psychological services of the Human Resources function. What matters are not the titles but visibility. People must know that support offices have the power to act on complaints or to transmit them directly to an office that can. This mechanism must be made available to all employees. A complainant should also be able to bypass supervisory staff members, should the complaint involve a supervisor. The complaint mechanism should include both male and female officials, so that the complainants would not feel intimidated to discuss matters with a member of the opposite sex.

This procedure can consist of **two stages**:

- at first **informal**, involving discussion and mediation, usually with the relevant manager(s) ;
- and, failing a satisfactory resolution, **formal**, by submitting the case in writing to the managing director or to the complaints officer.

Informal complaints may or may not be written, are not investigated, and do not result in formal disciplinary actions. Persons complained against may agree to actions such as apologies, demotions, or voluntary resignations, without going through formal disciplinary procedures. Formal complaints, on the other hand, must be written whether by the complainant or by someone else and agreed to by the complainant, require an investigation, and result in formal disciplinary action if it is found that harassment has taken place.

When an employee comes with a complaint, it should be made clear to him/her that the policy of the organisation is to comply with the guidelines and that a proper investigation into the situation will be made. The employee may become uncomfortable and indicate that he/she doesn't want to make trouble. But once an employee has made a complaint, the organisation is officially notified and is liable for the actions that are the subject of the complaints. Employee statements concerning their discomfort with the idea of an investigation do not relieve the organisation of liability. If the employee insists that no action be taken, there must be a documented understanding with the employee that the employee has no complaint. Naturally, the employee should never be pressured to withdraw a complaint.

The investigation must commence as soon as possible, but no more than two to three business days after the triggering event. Unless a set of circumstances is particularly complex, the investigation should commence no more than ten business days later. Before beginning a sexual harassment-complaint investigation, precautions must be taken to avoid any additional harassment incidents. This means it is necessary to be sure that the complainant and the accused are

physically separated at the workplace and/or constantly monitored during the investigation. It is vital to protect a sexual harassment victim from further harm. It is also vital to protect an accused harasser until an investigation has been completed and a determination of guilt or innocence has been made. Reassignment of work duties, close supervision or paid time off during the investigation for either the accused harasser or the victim may be necessary to accomplish the goal of ensuring fair treatment.

For an investigation to be conducted thoroughly, every individual who may have personal knowledge of the truth or falsity of the allegations themselves must be interviewed, or anyone who can shed significant light on the relationship between the accuser and the accused. This may include co-workers of the parties, individuals in physical proximity to their work stations, higher levels of management, or employees who may have relevant background information to offer. In addition, discussions with appropriate members of management and a close examination of corporate work records are usually most helpful, particularly when no witnesses are available.

Every effort must be made to ensure procedural fairness to both the complainant and the accused. The complainant ought to be questioned thoroughly to get her side of the story (chapter 2 - 16.6.2.1). Question the alleged offender thoroughly to get his side of the story (chapter 2 - 16.6.2.2). If the alleged offender denies the allegations, consider the possibility of a joint meeting with the investigator, the complainant, and the alleged offender where appropriate. After determining whether or not any other witnesses might have relevant information, interview those witnesses as confidentially as possible (chapter 2 - 16.6.2.3). After conducting the investigation, reach a determination regarding what occurred if it is reasonable to do so, and inform both the complainant and the alleged harasser of your conclusion.

Employers have a range of options open to them after a sexual harassment investigation is completed. These generally can be grouped into two major categories: (1) those involving the imposition of some form of discipline, and (2) those that do not. The level of discipline appropriate in a given situation is affected by a number of factors. Consideration must be given to the severity of the conduct,

the frequency thereof, how pervasive it was, and whether there were prior complaints or incidents that might indicate a pattern of sexual harassment. In serious situations the employer is expected to mete out serious discipline, up to and including dismissal, if warranted. Litigation can be avoided where a company's legitimate complaint procedures promptly redress the alleged harassment.

5.1.3.3 Education and Training of Employees

As part of the mechanism, an employer should provide a means for raising the subject of sexual harassment with its employees. This could be done, for example, by posting the firm's policy expressing strong disapproval of sexual harassment and by establishing for all employees an unambiguous code of conduct against which to evaluate complaints. The subject could also be raised in other ways, such as at regularly scheduled meetings or in special training sessions. It is only through training that people will learn to change their behaviours and develop the skills necessary to manage their interactions. It became evident from the empirical study that there still exists a difference between the perceptions of men and women concerning the term sexual harassment, that people do not recognise certain behaviour as sexual harassment, that it has a definite negative impact on employees and employers and that people do not know how to deal with the problem. In the light of this scenario a properly developed training programme can only be to the benefit of any organisation.

Before discussing the design and implementation of training programmes, the following areas need to be addressed in such programmes:

- The creation of a **common understanding/perception** in both men and women as to what is and what is not sexual harassment. The literature reveals confusion about just what sexual harassment is. It also became evident in chapter 4 (4.2.2) that although men and women recognise the more serious forms of sexual harassment as such, there was a great deal of ambivalence in employees' use of the term sexual harassment on the less serious, but more common forms of harassment. It is therefore important in a training/awareness programme to stipulate which behaviours are considered

sexual harassment, however trivial it may appear, so that employees have some concrete standards by which to judge their own behaviour. Women who have been victimised often also need education before they can recognise and challenge what has happened to them. Clear examples or video vignettes of what sexual harassment is and what it is not, should be used.

- **Sex-role stereotypes.** One explanation of sexual harassment is that it results from an extension of the sex-role to the work-role expectations in the organisation. These incongruent, inappropriate, or conflicting role expectations should be addressed during training programmes. The emphasis should be primarily on what the role senders actually do that creates conflict or ambiguity for the focal person and how the focal person would like those behaviours to change.
- Teach women which **behaviours** of theirs are sending **confusing messages** to their male co-workers. For example, passive reception of sexual harassment may be a stalling tactic on the part of the women, but may be interpreted as acceptance on the part of the harasser.
- Eliminating the **myths** concerning sexual harassment that exist in the workplace, because a number of the more predominant myths still find widespread acceptance despite the fact that they bear no relation to reality. This was shown in chapter 4 (4.2.3), where there were significant differences between the attitudes of men and women. Men agreed more that women experience it as complimentary when they are asked to engage in sexual relations at work, and that the issue of sexual harassment has been exaggerated - most incidents are normal sexual attraction between people. By explaining the negative effects of sexual harassment, it might transform people's attitudes and make them see the inappropriateness of these myths.
- Teach people how to **deal with unwelcome behaviour** which make them feel uncomfortable, e.g. to confront undesired behaviour openly the first time it occurs. The necessity for this can be seen from chapter 4 (4.3.7). Although

the most frequently used reaction to sexual harassment was to object, this was followed by avoiding the harasser and thereafter to ignore the behaviour. People must be made aware of what kind of behaviour justify what kind of reactions, so that they are not afraid of acting and reporting sexually harassing behaviour. Participants should practise making and receiving complaints. Role playing can help people to learn how to respond to harassing behaviours.

- The **formal channels** available to address sexual harassment. One of the reasons for the low reportage of sexual harassment could be that the formal channels are not known to people and can therefore not be used. For this reason it is important to publicise and make people aware of the complaint procedures available and to ensure them of the fairness of the system.
- The training of **supervisors and managers**. These people should be trained how to deal with sexual harassment when it occurs in the workplace. They have an affirmative obligation to take corrective action with regard to the objectionable behaviour of others.

5.1.3.3.1 Designing and Implementing a Training Programme

The steps in designing and implementing a comprehensive training programme are:

- Conduct a sexual harassment audit/attitude survey
- Design training
- Implement the training
- Evaluate the programme.

A. The Audit

It is not recommended that an organisation rush out suddenly, with no forewarning, and ask every individual about sexual harassment. But there are effective and efficient ways to find out how pervasive harassment is and where it may be

occurring. These same strategies can be used to discover other discriminatory and inappropriate interpersonal behaviour throughout the organisation.

Policy, Procedure and Management Style Review

The audit should begin with a review of all human resource policies, procedures and practices, including management styles. To be effective, this review must answer the following questions:

- Are policies and procedures clearly stated? Will they enable everyone in the organisation to know exactly what is acceptable and unacceptable behaviour? Is it clear what one must do to address a problem or issue a complaint?
- Does management live the policies and procedures, or merely give them lip service? How do you know?
- Do individuals feel they can address problems and file complaints without repercussion? How do you know?
- When an investigation occurs, how is privacy honoured?
- Are investigations handled consistently and fairly, regardless of the organisational level of the individuals involved? How do you know this?

Review of Terminations

An organisation may have a few honest people who, in the termination interview, will tell you they are leaving because of harassment. Do not count on it. For a more accurate search:

- Analyse termination data. Is turnover higher in certain areas or departments or under a particular manager? Why?
- Review unemployment compensation filings. Sexual harassment may surface as a reason.

If terminations are higher in certain areas, an investigation may be appropriate. Patterns usually exist, particularly in cases where a supervisor or manager is the harasser.

Review of Organisation Structure

Sexual harassment is harder to detect in autocratic, pyramidal organisational structures with narrowly defined jobs than it is in matrix organisations. This is true whether the harasser is the supervisor or another employee.

Harassment can remain hidden within a department because communication is primarily vertical and formal rather than across departments. The extensive co-ordination and relating among departments that occurs in matrix organisations makes hiding any problem or issue difficult.

Review of Human Resources

The manner in which the human resources operation functions can have a dramatic effect on organisational attitudes toward equality, sexual harassment and relationships among organisational members. Several areas deserve special scrutiny:

- recruitment and selection policies and practices
- performance evaluation and management system
- training.

Reinforcement

It has long been known, both in psychological circles and in performance management practice, that people continue or eliminate behaviours depending on the kinds of reinforcement they receive.

Observe your organisation:

- What kinds of attitudes and behaviour patterns are reinforced?

- In meetings where the attendees are predominantly male, what kinds of jokes and remarks are made that might make a woman feel unwanted or harassed?
- How do women treat men in a predominantly female department?
- How do people in your organisation talk about gays and lesbians?
- Do women receive equal pay? How do you know? How many women are in middle and upper management jobs?
- How do men talk about women in the organisation when they are not present? And vice versa?

The final question is especially important because the real culture and environment of an organisation is generally established informally behind closed doors. This includes setting examples. Individuals in lower ranks tend to model the behaviour of higher ranking, successful people.

- What behaviours do your organisation's executives model?

B. Designing the Training

There are several training options:

- A specific programme based on needs as determined from the information acquired in the audit
- Part of a general management skills programme that includes a segment on sexual harassment
- A separate sexual harassment programme
- Combination of some of the above.

The organisation must decide whether to use pre-packaged material or develop its own. One effective option is to use ready-made audio-visual material as part of an overall programme designed to meet specific organisational needs.

Effective training is conducted initially in the classroom, and includes continuous on-the-job feedback and development. The ultimate goal is to give individuals support, training and reinforcement to develop and consistently use effective interpersonal skills with all people, regardless of gender, ethnic origin and other differences.

C. Training Implementation

Executives, management and non-management staff should all be trained to spot and handle instances of discrimination. There is nothing that sets a more negative tone than for lower level employees to discover that senior executives and management have not gone through training. Obviously, the training will not be identical for all individuals, at all levels.

Executives need only look throughout the lower ranks of an organisation to see and hear their own behaviours. Executives' behaviour has the greatest impact on the behaviour of all others in the organisation. They set the tone and others follow.

Ideally, any training programme that includes sexual harassment should be mandatory for every person working for the company. Otherwise, those who need it most will not attend.

Generally, it will take at least one half day to cover laws, policies and procedures, and give examples of effective behaviour. Another half day can be devoted to case studies and discussions, with practice on handling difficult situations. Managers will also need training on how to handle complaints, both procedurally and emotionally.

D. Evaluation

The effectiveness of any system is dependent on continual feedback and readjustment. After training, reask the initial audit questions. Have situations improved? Have new problems arisen? What adjustments need to be made to training in policies, procedures and practices? This never-ending process is crucial for effectiveness (Lightle & Doucet, 1992)

5.1.3.3.2 *Training of Supervisors and Managers*

Since organisations are held liable for the behaviour of "supervisory employees or agents", it is critical that they train individuals in supervisory or management positions in how to deal with sexual harassment when it occurs in the work-place (Licata & Popovich, 1987). Anyone who supervises others, even if only a single employee, needs to have some basic education in a number of employee-relations areas, including sexual harassment (Wagner, 1992). It is not enough for them to refrain from objectionable behaviour; they have an affirmative obligation to take corrective action with regard to the objectionable behaviour of others (Segal, 1992). Training that **supervisors and managers** should receive in the area of sexual harassment should include:

- What sexual harassment is and what it is not, from both legal and practical points of view
- The difference between sexual harassment and inappropriate conduct, and why both need to be banned from the work-place
- The types of sexual harassment and the implications for employer and personal liability of each (Wagner, 1992)
- Legal prohibitions against sexual harassment
- The employer's policy against sexual harassment
- The details of the complaint resolution mechanism
- The supervisor's duty to report evidence of sexual harassment (Baxter & Hermle, 1989)
- How internal investigations are triggered and what happens during such an investigation
- The need for minimising any discussion of sexual harassment situations, both formally and informally

- The legal and organisational requirement for non-retaliation against those who raise sexual harassment concerns
- The corporate options for postinvestigation discipline and the factors that decision makers use in selecting that discipline
- External charge mechanisms and how these generally proceed
- What every supervisor and manager is expected to do in his or her own area to prevent sexual harassment from occurring, whether in terms of personal behaviour, co-worker relationships, or visitor conduct
- Who the designated organisational person to receive reports of possible sexual harassment is, and the need for early reporting (Wagner, 1992).

This training should take place in the form of seminars, meetings, or workshops. If it is not possible for all employees to take part in these sessions, literature should be made available to them.

In addition, supervisors and managers need to have an **interpersonal or behaviour-awareness** component in their training to:

- Raise awareness of the more subtle forms of sexual harassment
- Make supervisors and managers more sensitive to differences in perception between the sexes
- Have supervisors experience, to the extent possible, the feelings of both the accuser and the accused.

5.1.3.3 Training for All Employees

As with supervisors and managers, **all employees** should receive some information on sexual harassment in the work-place. For employees as a whole, the emphasis should be on expectations for interpersonal behaviour rather than on legal and management issues.

Such training sessions should include:

- Clear examples or video vignettes of what sexual harassment is and what it is not
- Strong messages by credible, high-ranking corporate officials that sexual harassment will not be tolerated by the organisation
- Encouragement to come forward and discuss sexual harassment concerns if and when they arise, with clear directions as to where to take these issues
- Review of the organisation's policy statement on sexual harassment, with emphasis on the investigative process and possible disciplinary outcomes (Wagner, 1992).

Prevention of sexual harassment requires more than superficial familiarity with the issue and the organisational procedures for combating it. Managers and other workers will deal more effectively and objectively with the problem if they are consistently encouraged to re-evaluate sex-role stereotypes. Until people become educated enough to move beyond sex-stereotyping, grievance committees and management may respond with bias to victims and victims may continue to engage in self-blame (Dziech & Weiner, 1991).

5.1.3.3.4 Training of Investigation Staff

The soundness of a sexual harassment **investigation** and the comfort the organisation will feel with its results largely depend on the quality of the fact-finding process itself. Investigations are frequently emotion-laden, highly charged events with high stakes for those involved. To do an effective job, the staff members likely to conduct a sexual harassment investigation should be thoroughly trained in:

- The legal definition of sexual harassment
- The employer's legal obligations, and the best ways of discharging them
- Questioning techniques designed to elicit explanations of the entire situation

- Ways of dealing with reluctant or recalcitrant witnesses
- Means of co-ordinating the investigation with legal counsel
- How to identify and review circumstantial evidence
- How to make credibility judgements on the basis of more than simply gut feelings
- How to mediate employee disputes to structure resolutions satisfactory to all parties
- Recommendations for disciplinary levels based on the facts uncovered and the credibility judgements made
- Documentation for the situation, for both internal and external reference checks (Wagner, 1992).

Education and training programmes on interpersonal communication strategies for managing sexual harassment should be designed to improve the employee's ability to: (a) analyse sexual harassment situations in terms of multiple goals and obstacles; (b) determine whether interpersonal communication is a viable option for managing a given situation; (c) choose an appropriate message strategy from a framework of options; (d) instantiate the selected strategy by designing a message to deal with key situational goals and obstacles and (e) anticipate the success potential of messages on several dimensions. Education and training which focus on interpersonal responses to sexual harassment should be supplemented by an overview of the alternative solutions available to employees (Bingham, 1991).

5.1.3.3.5 Approaches to Training

There are a variety of approaches to training which will address the subject of sexual harassment. Each is useful as it relates to and reinforces organisation objectives. Therefore, it really is the function of the facilitator or trainer of the organisation to determine which programme will best respond to the needs which have been identified internally.

5.1.3.3.5.1 Pre-packaged Programmes

In general, these programmes are well developed and designed, as there is commitment by the group that has put them together. The only hazard would be a militant approach which strongly favours women and fails to consider other aspects of sexual harassment. These programmes often begin with a description of what sexual harassment is and how a victim or administrator would recognise it. They discuss deflecting the harasser through non-defensive communication and confrontation techniques. These programmes seek to provide psychological information as well as de-escalation activities and skills.

Training in non-defensive responsiveness to harassment situations would benefit both men and women. Providing an increasingly sophisticated repertoire of statements for particular situations gives a sense of security to those who would otherwise be undone by the harasser. This is why it is important to include both men and women in heterogeneous groupings. Such a grouping allows input and feedback from both sexes regarding the situation.

A disadvantage to the pre-packaged programme is that little attention is given to organisation policy and procedure and there is little top management visibility. This need not be true entirely, however, if you consider adaptations to this method. A consultative approach wherein the organisation contracts a consultant to provide the programme is a beginning. An additional day is contracted for the consultant to learn about the company's policies and procedures and about potential or actual problem areas and to get a feeling for the organisation. Then the programme is tailored to fit the specific organisation. Further, if the consultant is also a management consultant, sources for problems can be identified through the training period and delivered back to the organisation's management for further consideration. Another adaptation which will further extend the credibility of commitment is to have a member of top management introduce the programme to the participants. The tailoring makes behaviour changes more relevant and credible, while familiarity with the organisation enhances the presentation for long-term impact.

Methods that are used include role playing, discussion and perhaps case studies; most often they involve the participant so that surrogate experience takes place. This type of experience is more easily retrieved from a person's repertoire than a lecture format where no experience takes place.

5.1.3.3.5.2 *Personal Presentation Programmes*

The personal presentation kind of programme is normally done through a video tape recording. Such a set-up allows the managing director of the company, to issue a policy statement. This tape can then be played for the organisation audience all at one time or at scheduled viewings. Since the message comes from the managing director, it shows that top management is committed to a sexually secure working environment.

This format, however, requires a follow-up programme lest individuals in the company forget what the talk was about. By using video transmissions as a method of saying the company is interested in the subject of sexual harassment, expectations are energised for the harassee, the harasser, interested parties and uninterested parties. The harassee thinks that there is a system whereby the environment is safe and expects to see evidence of it. The harasser takes a more cautious attitude with his or her harassing endeavours. Interested parties listen for what will be done in this kind of situation, in other words, what their responsibilities are in seeing that this is carried out. Uninterested parties wait and see if anything manifests itself, harassment, policy activities, no activities.

Without follow-up, each employee's expectations will be modified, generally more severely than their original expectations. The harassee will be more frightened. The harasser might escalate the harassing activity. Those who were interested will become upset and confused as to what their role is now on the issue. Those who were not interested will find it a joking matter. In short, there is no question that there must be a follow-up to the video taped message.

Follow-up can be personally providing each employee with a copy of the policy and procedures. It can be news in the internal newspaper/magazine. If there is an

infringement of the sexual harassment standard, follow-up can be the action taken immediately. Any number of follow-up methods can be used, requiring little time and expense but it is important to get the point across from the beginning.

5.1.3.3.5.3 Classroom Training

The method and content of classroom training are to a large extent determined by the objectives of the training programme. If the organisation is going after a training programme which will educate the employees regarding corporate posture, policies and procedures, it can be a short, half-day session. Perhaps the best format would be to begin with a presentation by one of the top managers which puts into focus the concern and commitment the organisation has to a sexually safe environment for both men and women. The first speaker of the day would present the overall picture with all the clout that is required as well as the esteem that his or her office provides. The succeeding parts of the training programme would probably be a presentation of the policy and procedures regarding sexual harassment. This would be presented verbally, with a handout to accompany the lecture. Then it would be discussed and perhaps some hypothetical applications would be made so as to reinforce the new learning or new posture of the organisation upon the participants. The programme would end with some group problem solving.

This basic half-day programme can be expanded into a one- or two-day training period. After the problem-solving session, there would be some skill development, such as de-escalating the issue with the distressed harassee, confronting the potential harasser, reporting findings to the harassee and reprimanding an identified harasser. Many of these skills can be developed through case studies, news stories that relate to the subject or cases that the training department has developed. The participants would go through analysis of cases, determining whether bonafide harassment had occurred or whether a complainer was discovered. They would determine if the harassee contributed to the problem and, if so, how. In addition, they would discover if earlier action could have been taken by the individual, the organisation or some interested party.

After the training class had exhausted the possible implications of each case, they would devise possible solutions to these situations. Often this would mean designing policy statements, if there had been none, or clarifying procedures. It would include role playing the counsellor role and the official role of adjudicator. The skills of communication and listening as they pertain to sexual harassment would be taught as well. In other words, given the organisation and the roles that are required of the employees, they would be taught the skills required to carry out these roles successfully. The goal of the programme would be to prepare the participant to assume his or her segment of responsibility for the resolution of this problem thoroughly, effectively and efficiently.

At no time should top management merely delegate this responsibility to the training department and drop it. From a cost-effective point of view, it greatly limits the return on investment. From an action point of view, it diminishes the action a participant will take. From an organisation point of view, it suggests that the organisation is paying lip service to a serious situation and infighting or conflict can erupt (Meyer, Oestrich, Collins & Berchtold, 1981).

5.1.3.3.5.4 Experiential Learning for Sexual Harassment Awareness Training

The experiential learning process, in which participants can "experience" a business activity in a comfortable, facilitated environment, is a productive means of exploring underlying issues and of learning communication and listening skills, problem solving skills, and so on. In the safety of the educational environment, people can sort through their feelings, their assumptions, and their values as they hear about and relate to the values of others.

Training activities that are experiential in nature are well-suited to sexual harassment awareness training. In such designs, the participants learn from their own experiences, including their emotional responses, reflections, insights, and discussions with others. In experiential learning, although the situation is structured, much of the actual learning content is elicited from the participants themselves. Such an outcome takes skill on the part of the trainer, which is called "facilitation".

Activities that ask a question about sexual values can be very useful in getting the training participants to examine their own values and assumptions and to listen to others as they communicate theirs. It is best if the situation on which the activity is based is artificial, so that it does not threaten specific participants or relate too closely to their particular work environment. In this way, the discussions can be focused on values, concepts, and feelings, rather than on past incidents or old resentments. Other activities that can be useful include listening and communicating exercises, surveys and questionnaires that generate discussion, structured role playing, and activities that demonstrate different approaches to communicating, relating, problem solving, and so on. Structured role playing can be quite revealing to the participants, especially if each role player plays both roles in order to experience both sides of the issue (Ballew & Adams-Regan, 1993).

5.1.3.3.5.5 Role Negotiation Techniques (RNT)

One explanation for the occurrence of sexual harassment is that it results from an extension of the sex-role stereotype concepts to the formation and communication of work-role expectations in the organisation. These incongruent, inappropriate, or conflicting role expectations should be addressed during training programmes designed to aid in the prevention of sexual harassment in the organisation. Viewing sexual harassment as a role problem provides a framework for understanding sexual harassment and for developing a means of identifying and managing its occurrence.

Using role theory as a framework for understanding sexual harassment allows for the application of role negotiation techniques (RNT) as a means of resolving work-role/sex-role conflicts. Role negotiation requires group members to state their own roles as well as their role expectations of other group members. RNT can open the channels of communication and provide participants with an opportunity to state their expectations of their supervisors and co-workers. Behaviours or comments that one finds offensive, including sex-role stereotypes, work assignments, and the inappropriate expectations of others, are all topics for discussion. The emphasis should be primarily on what the role senders actually **do** that creates conflict or

ambiguity for the focal person and how the focal person would like those behaviours to change.

- **Phase I**

It is important to discuss the various definitions of sexual harassment and the facts and myths surrounding the topic first. It is also important to discuss the differences between sexual harassment, sexism, mutual sexual attraction, and sexual politics. A valuable tool for such a discussion is a series of scenarios that are examples of each of these concepts. Another useful exercise is a self-assessment quiz, which examines the myths about sexual harassment and women in the work-place.

- **Phase II**

The second topic that should be addressed is the organisation's and the supervisor's responsibility for detecting and preventing harassment. It is useful here to identify the individual and organisational costs that are involved when sexual harassment occurs. Also appropriate here is a discussion of the organisation's policy regarding sexual harassment and other related behaviours. It is important to discuss the steps supervisors should follow if they suspect sexual harassment is occurring in their work group. It is necessary for them to develop skills to approach sexual harassment as a work-related issue rather than a personal one. Effective means of training people to handle this situation is through role plays and behavioural modelling.

- **Phase III**

This phase involves using RNT. It is important that all participants be members of the same work group so they can discuss thoroughly work group objectives and individual roles and expectations.

- ***Warm-up***

Discuss the individual's various roles both on and off the job, how these roles are managed or balanced, problems resulting from role conflict and ambiguity, and ways to prevent these role problems.

- ***Contract setting***

Establish the ground rules for the role negotiation process. Establish rules concerning the type of feedback participants should provide, how they should give feedback, and how they should communicate expectations.

- ***Diagnosis***

During this step the group develops an understanding of how the work is accomplished. It is here that individuals begin to define clearly their work roles. This step allows the participants to confront or explore their expectations of others' work roles and the extent to which their role expectations are confounded with sex-role expectations. It is essential during this stage to maintain tight control of the discussion to prevent conflicts and hostility among the group members.

- ***Negotiation***

Group members begin to clarify their role expectations of others and others can clearly and succinctly communicate their expectations of the focal person. Participants can gain insights regarding the effect of role expectations on both the communicated - or sent - role and the received role. The discussion needs to focus on specific behaviours and the desired behavioural changes.

- **Phase IV**

The final phase of the training programme is the evaluation of its effectiveness. It must be determined whether the programme met its goals of knowledge acquisition (Phases I and II) , behaviour change (Phases II and III), and, improvement of work group morale and productivity. Each phase of the programme should be evaluated in terms of the trainees' reactions to the programme content and the training methods used. The effectiveness of RNT can be assessed once the trainees return to the job by simply asking them if they and others have abided by the agreements made during the programme. Follow-up approaches could include interviewing the individuals that work with those who participated in the RNT. More formalised measures of behaviour change

and the resulting climate changes include climate surveys, performance appraisals, self-reports, and grievance rates (Licata et al., 1987).

It is important then, that top management be a visible part of the awareness training in some well thought out manner if the programme is to be effective overall. When considering the return on investment, the organisation need only look at the expenses incurred in one legal case, lawyers' fees and perhaps penalty, to see the initial costs offset by diminishing the number of legal complaints. More than that, with a more sexually secure environment there should be increases in productivity and morale for indirect cost effectiveness (Meyer et al., 1981).

5.1.3.3.6 Conclusion on Training

Training is a proven mechanism for promoting an organisation's policies and procedures, while increasing the awareness of managers and supervisors of their roles and obligations under these policies. Having a training programme may well be the best defence for an institution in a sexual harassment case, both as a preventative measure and as a remedy. By providing appropriate training, the institution can apprise both managers and employees, as well as other potential victims, of methods for handling situations involving harassing behaviour. Training can stop such behaviour, provide coping mechanisms, and offer individuals a means of differentiating true sexually harassing activity from behaviour that is not so intended. Training can help to eliminate an environment that encourages situations of sexual harassment (Bazilli, 1991).

5.1.3.4 Conclusion

Good two-way communication between employer and employee at all levels of the organisation is essential if a program to combat sexual harassment is to be effective. Increased communication should help improve employer sensitivity to those claiming harassment. This, in turn, should encourage internal settlements and eliminate the need for employees to go to outside agencies to resolve complaints. Employers can also show their seriousness about the gravity of the matter by developing appropriate remedial sanctions for employees who violate a

person's civil rights through sexual harassment. These may include warnings, notes placed in personnel files, demotions, immediate suspension, or dismissal. A mere statement of policy without sanctions for violators is likely to be looked at by the courts as ineffectual policy, at best. As a further reflection of concern, employers should disseminate information to employees about their rights to raise a complaint of sexual abuse. This should include information on how to initiate the complaint, covering the types of information that will be considered necessary to establish the nature of the complaints. Inhouse redress procedures should be stressed as the most workable alternative.

The most significant thing an employer can do is to take the problem of sexual harassment seriously by showing by its actions a genuine concern for the sensitivity to the issues.

5.2 Problems with Research

Our lack of a clear and comprehensive portrait of the magnitude of harassment on the job is the result of two interrelated problems in the way sexual harassment has so far been researched. First, results are often the product of poorly developed research instruments. Survey terminology is rarely defined adequately (if at all). Questions are often written in such a way as to "load" the answers in one direction or the other. Also, since surveys are more reactive measure, respondents are able to introduce their own biases into the data. For example, it has been argued that women exaggerate the extent of sexual harassment at work because they have more to lose if harassment is not taken seriously. Alternatively, men may perceive less harassment because to do otherwise would present an unfavourable image.

The problems inherent in the use of obtrusive measure point out the need for better prepared, less reactive measurement strategies and techniques. These include the collection of data from personnel files, court cases or other archives. However, these alternative strategies present their own set of problems. They also place an increased ethical burden on researchers not placed on them by obtrusive strategies.

It is possible that the discrepancy between affect and definition in the case of sexual harassment is in part an artifact of survey questionnaire construction. When respondents are asked to evaluate broad classes of behaviour per se, they may find it difficult to apply the "harassment" label without additional contextual information. Vignette studies indicate the importance to judgements of sexual harassment of certain kinds of information about the nature of the interaction between the participants in the scenario. Further research along these lines should systematically vary information about the affective response of the recipient in order to assess its role in such judgements.

The other major reason we lack a clear portrait of the extent of sexual harassment in organisations is due to the selection and rate of response of participants in the research. It is impossible to know about either those who were not included in or did not respond to a survey. And it is obvious that those most interested and involved are more likely to respond. Survey samples often include groups of individuals that are convenient, rather than carefully specified and systematically sampled respondents representative of the population of interest. Coupled with low response rates (often less than 25 %), poor sampling strategies compound the problems that plague the research surrounding sexual harassment.

5.3 Future Trends

As evidence of the potential for co-worker complaints, a recent survey of federal civil service employees in the United States of America revealed the typical harasser to be a co-worker not in a direct supervisory line position. Suits involving the public as the harasser may also increase. Employers can be held responsible for the sexually harassing acts of the public toward their employees that result from employer-imposed working conditions.

While presently most victims of sexual harassment are women, the source of harassment can be either gender. Thus, the initiation of complaints by men may be another new trend. A finding of discrimination could apparently be made if the supervisor was the same sex as the subordinate, the future may also see litigation involving homosexual-based harassment.

Regardless of whether a supervisor, co-worker, or the public is involved in the harassment, legally actionable behaviour may be any means of harassment. This includes directly tampering with an employee's job to casting aspersions on an employees' virginity or placing an obscene cartoon on her desk, or to continual lewd comments or sexual innuendos.

5.4 Recommendations

Despite of the many scientific articles produced in the past decade, this is still a field that are being neglected by scientists and are thus lying bare for research. There is little direction for further research and knowledge about sexual harassment is not sufficiently integrated. Obviously a phenomenon as complex as sexual harassment will not be fully understood after a relatively short period of empirical investigation. Because sexual harassment is important to different disciplines, such as criminology, sociology and psychology, these researchers must try to work interdisciplinary.

By itself, the creation of a vocabulary for this general phenomenon and its relatively rapid general acceptance and recognition is an important accomplishment suggesting profound changes in consciousness.

Although different explanations for sexual harassment exist, there is no one theory that presents a satisfactory explanation for this phenomenon. Therefore there is an urgent need for a theoretical framework from where sexual harassment can be studied. The empirical base for the development of a comprehensive theory is still too skimpy.

Moreover, the complete reliance on incidents or behaviours alone as indicative of women's understandings of sexual harassment no longer seems warranted. This effort, like other, hints at, but does not fully establish the interpretive grounds on which particular situations in the everyday lives of working women come to be labeled sexual harassment. What is needed now are more detailed quantitative and qualitative materials focused on the route by which a woman comes to describe an

irritating and disliked sexual approach at work as sexual harassment. Under what set of circumstances and conditions is such a definition most likely?

One of the more obvious constraints on existing research is that almost all information on the experience of sexual harassment has been obtained from those who are actual or potential recipients, rather than initiators, of harassment episodes. Information on incidence, precipitating conditions, and consequences comes almost exclusively from victims or potential victims. This approach to research has justifications in ideological, theoretical, and practical considerations. On the more practical side, both reports of occurrence and access to the affected population for research purposes are easier to obtain among victims than among perpetrators. Persons in high power positions are more difficult to reach for research purposes and, even if included in a self-report survey study, are less likely to report incidents of social-sexual behaviour in which they are likely to be perceived as initiators rather than recipients.

None of the sources that have been studied mention studies about the characteristics of the sexual harasser. This means that the assumptions being made about the harasser relies on the information obtained from victims of sexual harassment. Because the opinions of men and women differ with regard to sexual harassment, it will be desirable that researchers try to get firsthand knowledge about the harasser.

To the extent that exclusive focus on the victim limits our understanding of the causes of sexual harassment, efforts need to be made to reach a broad range of actual or purported initiators of sexual harassment incidents for future research. To some extent this aim may be accomplished through case study of participants in various stages of litigation or grievance procedures in cases involving charges of sexual harassment, but greater generalisability will be attained with efforts to follow up reported incidents of harassment under informal conditions and procedures that maximise confidentiality and protection of privacy. In the meantime, the over-representation of research on victims contributes to a somewhat unidirectional conceptualisation of the phenomenon to the neglect of potentially important aspects

of interpersonal communication and other dyadic features that may contribute to harassment incidents.

Considering sexual harassment in light of cultural norms and expectations governing sexual exchanges in general also suggests going beyond social psychological research and theory to the anthropological literature on sexual negotiation in other societies. Of particular interest would be information on the universality of "sexual joking" as a mechanism for initiating, and regulating, potential sexual encounters. Because the intent of a joke is inherently ambiguous, it provides a vehicle for initial expression of sexual interest in a way that permits "face-saving" by both parties involved. If the recipient is interested in pursuing a sexual relationship, she can signal that interest by escalating the joking, usually allowing it to become progressively more personal in content. On the other hand, lack of interest can be signalled by a failure to reciprocate the joking, without ever acknowledging that a sexual initiative (and rebuff) has taken place. The potential for mutual misunderstanding of attributional assumptions suggests that future intervention research on sexual harassment might assess the efficacy of building role-playing exercises into training programmes for raising consciousness about the problem of sexual harassment in work settings.

We also need a better specification of the hypothetical linkages which locate sexual harassment within a testable theoretical framework. Little is known about the antecedents of harassment or the precise relationship between harassment and other organisation variables (e.g. job performance, turnover, or morale). Information about the effects of harassment on productivity would make explicit to employers the monetary costs of ignoring the problems. A knowledge of the conditions or events that typically precede harassment, or the characteristics of harassers, would help better define for the courts what constitutes an intimidating, hostile work environment.

Besides the recommendations for further research, the following recommendations on a practical level are also made:

- Awaken public awareness to the existence and extent of sexual harassment.

- Adequately publicise the bodies available to assist victims of sexual harassment, so that people who witness evidence of such acts of violence will realise the importance of reporting these acts and know where to address themselves in order to do so.
- Conduct a study to estimate the cost for illness or absence from work due to sexual harassment.
- Conduct a study to evaluate the relation between drops in productivity where sexual harassment occurs.
- Call for an investigation of the extent to which national labour legislation provides for sanctions against sexual harassment.
- Call on national government, equal opportunities committees and trade unions to carry out concerted information campaigns to create a proper awareness of the individual rights of all members of the labour force, to highlight the discriminatory nature of sexual harassment and to make victims of such harassment aware of courses of action open to them.
- Remind employers that they have a responsibility to seek to ensure that the work environment is free from:
 - unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work;
 - victimisation of a complainant or of a person wishing to give, or giving, evidence in the event of a complaint.
- Recommendations to trade unions

Sexual harassment is a trade union issue as well as an issue for employers. It is recommended as good practice that trade unions formulate and issue clear policy statements on sexual harassment and take steps to raise awareness of the problem of sexual harassment in the workplace, in order to create a climate in which it is neither condoned or ignored. For example, trade unions could aim to give all officers and representatives training on equality issues, including dealing with sexual harassment, and include such information in union-

sponsored or approved training courses, as well as information on the unions' policy. Trade unions should consider declaring that sexual harassment is inappropriate behaviour and educating members and officials about its consequences is recommended as good practice.

Trade unions should also raise the issue of sexual harassment with employers and encourage the adoption of adequate policies and procedures to protect the dignity of women and men at work in the organisation. It is advisable for trade unions to inform members of their right not to be sexually harassed at work and provide members with clear guidance as to what to do if they are sexually harassed, including guidance on any relevant legal rights.

Trade unions could consider designating specially trained officials to advise and counsel members with complaints of sexual harassment and act on their behalf if required. It is also a good idea to ensure that there are sufficient female representatives to support women subjected to sexual harassment.

It is recommended too where the trade union is representing both the complainant and the alleged harasser for the purpose of the complaints procedure, that it be made clear that the union is not condoning offensive behaviour by providing representation. In any event, the same official should not represent both parties. It is also good practice for the union to monitor and review the union's record in responding to complainants and in representing alleged harassers and the harassed, in order to ensure its responses are effective (Conditions of work digest, 1992).

- Because of practical problems faced with during the study, it was not possible to extend the research to include the category of general workers. The major problems experienced in this category included the high level of illiteracy, as well as the diversity of languages among these people. Mail questionnaires would therefore have been out of the question and a field study would have to be done. Because of time constraints, as well as the cost factor, it was not possible to do a field study. It is expected that there will be a significant difference between the category of general workers and other categories, seeing that they comprise the

bottom end of the career ladder. A major component of this category is also black people, which would make it possible to determine the effect of culture on sexual harassment. It would be very valuable for the company under scrutiny to have a follow-up study in which this category of general workers will be researched to determine the extent of the problem of sexual harassment among them.

5.5 Conclusion

In summary, neither the preventive measures discussed in this chapter, nor the assistance of professionals can guarantee an employer that sexual harassment will not occur, or that complaints and litigation will not follow. They both can help create, however, a climate within the organisation that discourages such conduct. Employees must be made to realise that making sexual requirements a condition of employment is wrong, illegal, and against company policy, and will be dealt with accordingly within the organisation.

Above all, organisations should strive to create a climate that would discourage the occurrence of sexual harassment. The message that such behaviour will not be tolerated should be clear. A comprehensive and genuine policy against sexual harassment will carry the message to all employees that such behaviour will not be tolerated at the workplace. The policy should clearly specify both the forbidden behaviours and the penalties associated with the exhibition of those behaviours. Improper personal relationships must not be allowed to interfere with work performance or employment decisions. Training sessions on sexual harassment might be employed to foster a greater awareness and understanding of the problem. The inclusion of supervisory and management personnel in such training sessions is absolutely essential in view of their potential as harassers as well as their potential as problem solvers who can head off sexual harassment problems before they get out of hand and into the courts.

We have seen that sexual harassment is a very complex issue, and that it includes much more than the "sleep with me or lose your job" syndrome. Only after people become aware that something they are doing is offensive to others can they begin to

take responsibility for stopping the behaviour. The most important thing is that we become aware of ourselves and other people at work, that we analyse our behaviour and theirs, and take responsibility for changing behaviour that is unacceptable to us or to others.

Sexual harassment in the workplace has been ignored for far too long. It is pervasive and is not an insignificant personnel issue as some people may believe it to be. Sexual harassment will clearly be a major workplace issue for years to come and must be squarely faced by employers. It is not a woman's issue but an employment and economic issue. Sexual harassment cannot and should not be ignored or discounted. The working through of this issue will have a significant impact on working life for men and women. Done properly, that impact should be positive for all.

No matter what your position in the company, there is much you can do to avoid sexual harassment and to deal with it if it happens. Knowledge and action go hand in hand. You have the knowledge, now you are ready to take the action.

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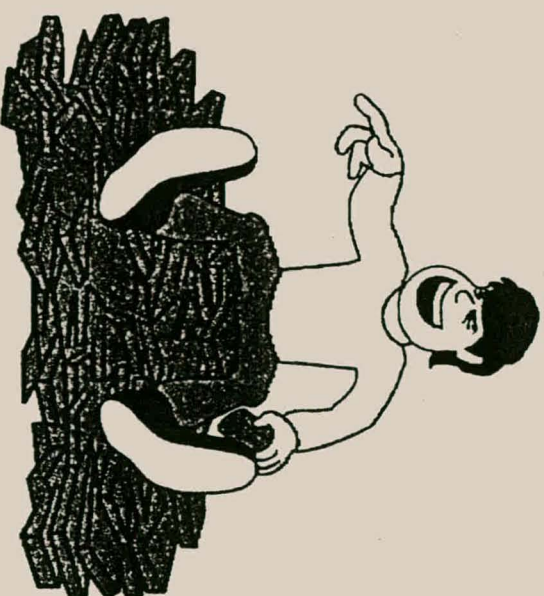
APPENDIX A : Exploratory Study Questionnaire

You could win **R500** for
just 30 minutes of your time



Turn over...Complete..Send in!!!

Jy kan **R500** wen vir
net 30 minute van jou tyd



Blaai om...Voltooi..Stuur in!!!

(ENGLISH ON OTHER SIDE)

HOUDINGS TEN OPSIGTE VAN SEKSUELE ONDERVINDINGE

Geagte Meneer/Mevrou/Mejuffrou

Ek is tans besig met 'n studie en sal dit waardeer indien u my sal help deur die volgende vraelys in te vul. Op die volgende bladsye sal u 'n reeks vrae vind waardeur ek inligting wil inwin oor verskillende tipes ervaringe wat in die werksituasie plaasvind. Ek stel hoofsaaklik belang in gedrag van 'n seksuele aard tussen mans en vroue. Dus sal die meeste vrae oor die tipe situasie handel. Die vrae is nie te persoonlik nie en is geen refleksie op u as persoon nie.

Aangesien ek bewus is daarvan dat ons almal altyd baie besig is, is ek bereid om u 'n kans te gee om R500 TE WEN vir u tyd en moeite. Alle volledig voltooië vraelyste wat my voor 20 Oktober 1995 bereik, sal in 'n houër geplaas word. Twee vraelyste sal hieruit getrek word en elk van die persone sal R500 wen. Antwoord asseblief so eerlik moontlik, aangesien alle informasie wat in hierdie studie ingesamel word absoluut vertroulik hanteer sal word.

Na die voltooiing van die studie, sal terugvoer verskaf word deur middel van verskeie kommunikasiekanale in die maatskappy (bv. Transtalk, Platform, ens.). Indien u meer inligting verlang of my persoonlik wil kontak, is u welkom om my te skakel by: Transnet Park, Johannesburg, (011) 488-7238 of intern (071) 7238, of skryf aan my by:

Bestuurder (Menslike Hulpbronne)
Kamer Bl.57
Transnet Park
PARKTOWN.

Baie dankie vir u ondersteuning met hierdie belangrike projek.

MARINDA OTTO

(AFRIKAANS OP KEERSY)

ATTITUDES TOWARDS SEXUAL EXPERIENCES

Dear Mr/Ms

I am currently busy with a study and would appreciate it if you would assist me by completing a questionnaire. On the following pages, you will find a series of questions requesting information about many different kinds of experiences that occur in the work situation. I am principally interested in behaviour of a sexual nature between men and women, so most of the questions are about this type of situation. The questions are not too personal and are not a reflection on you as a person.

Because I know that everyone of us is always busy, I am prepared to give you a chance to WIN R500 for your time and effort. All completed questionnaires that reach me before 20 October 1995 will be placed in a box. Two questionnaires will be drawn and each person will receive R500. Please answer as honestly as you can. Remember that all information collected in this research study is completely confidential, and your privacy is completely protected.

After the completion of this study, feedback will be given by means of different communication channels in the company (e.g. Transtalk, Platform, etc). If you need more information or would like to contact me personally, you are welcome to phone me at Transnet Park, Johannesburg, (011) 488-7238 or internally (071) 7238, or write to me at:

Manager (Human Resources)
Room Bl.57
Transnet Park
PARKTOWN.

Thank you very much for your assistance with this important project.

MARINDA OTTO

[illegible]

magasynleierpersoneel)
Ondersteunend (beskerming- en
herstelpersoneel)
Kwasi-tegnies (spoorbaan-
standhouding-, ondersoek- en
leerlinge, tegnisi)
Tegnies (ambagsmanne, vak-
bemanningspersoneel)
lighuis-, vliegdek- en kajuit-
ders, trein-, stasie-, marine-,
Bedryf (drywers, vraghanteer-
personeel, tiksters)
operateurs, klerke, argief-
Administratiewe (rekenaar-
met relevante graad/diploma/
registrasie)
Professionele (senior personeel
Bestuur (109 en hoër)

1.6 Beroeps-
groep:

1.4 Home language: Afrikaans

English

Xhosa

Zulu

Sotho

Other (specify)

1.5 Highest
qualification:

Std. 5 and lower

Std. 6 - 8

Std. 9 - 10

Diploma

Certificate

Degree

1.6 Occupational
Groups:

Managerial (109 and higher)

Professional (senior officers
with relevant degree/diploma/
registration)

Administrative (e.g. computer
operators, clerks, archive
personnel, typists)

Operational (drivers-, train-,
station-, cargo handling,
marine-, lighthouse-, flight
deck and cockpit personnel)

Technical (apprentices,
artisans, technicians)

Quasi-technical (maintenance,
examining and repair personnel)

Supporting (protection and
stores yard personnel)

Unskilled (general workers)

Office use

9-10

11

12

Afrikaans
Engels
Xhosa
Zoeloe
Sotho
Ander (spesifiseer)
Std. 5 en laer
Std. 6 - 8
Std. 9 - 10
Diploma
Sertifikaat
Graad
11
9-10
Kantoorgebruik

1.5 Hoogste
kwalifikasie:

1.4 Huistaal:

3. OPINIE

Daar was onlangs baie belangstelling in sogenaamde **seksuele teistering** by die werk. Dit verwys gewoonlik na teistering van vrouens deur manlike kollegas, kliënte en klante.

Ek wil graag uitvind wat die term seksuele teistering vir u beteken. Ek wil u opinie hê oor of u elk van die volgende insidente as seksuele teistering sal beskou, deur die volgende skaal te gebruik:

1. die definisie is nie teistering nie
2. dit kan swak smaak genoem word
3. die definisie is dubbelsinnig
4. dit is onbeduidende/onbelangrike/alledaagse teistering
5. dit is ernstige teistering.

SEKSUELE TEISTERING IS:

- 3.1 Om gevra te word om 'n seksuele verhouding te hê, met die verstandhouding dat dit jou werksituasie sal benadeel as jy weier of bevoordeel as jy aanvaar.
- 3.2 Om gevra te word om met iemand uit te gaan, met die verstandhouding dat dit jou werksituasie sal benadeel as jy weier en sal bevoordeel as jy aanvaar.
- 3.3 Aanraking by die werk, wat bedoel was om seksueel te wees (bv. hand op bors).
- 3.4 Aanraking by die werk, wat nie bedoel was om seksueel te wees nie (bv. druk op skouer/arm om skouers).
- 3.5 'n Kyk of gebare van 'n seksuele aard, wat bedoel was om te beledig.
- 3.6 'n Kyk of gebare van 'n seksuele aard, wat komplimenterend bedoel was.
- 3.7 Kommentaar van 'n seksuele aard wat beledigend bedoel was.
- 3.8 Kommentaar van 'n seksuele aard wat as 'n kompliment bedoel was.
- 3.9 Seksuele aanranding/verkragting.
- 3.10 Seksuele voorstelle gekoppel aan negatiewe werkvoorwaardes (posbedreiging).

	1	2	3	4	5	Kantoor gebruik
27						
28						
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34						
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36						

Office use

	1	2	3	4	5
27					
28					
29					
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31					
32					
33					
34					
35					
36					

SEXUAL HARASSMENT IS:

1. this definition is not harassment
2. this could be called bad taste
3. this definition is ambiguous
4. this constitutes trivial harassment
5. this is serious harassment.

I would like to find out just what the term sexual harassment means to you. I want your opinion of whether or not you consider each type of incident as sexual harassment, using the following scale:

Recently there has been some interest in what has been called **sexual harassment** at work. This usually refers to harassment of women by male workers, clients, or customers.

1 Being asked to go out with someone with the understanding that it would hurt your job situation if you refused or that it would help if you accepted.

2 Being asked to go out with someone with the understanding that it would hurt your job situation if you refused or that it would help if you accepted.

3 Touching at work that was meant to be sexual (e.g. fingers straying to breast)

4 Touching at work that was not meant to be sexual (e.g. shoulder squeeze/arm around shoulders).

5 Looks or gestures of a sexual nature that were meant to be insulting.

6 Looks or gestures of a sexual nature that were meant to be complimentary.

7 Comments of a sexual nature that were meant to be insulting.

8 Comments of a sexual nature that were meant to be complimentary.

9 Sexual assault/rape.

10 Sexual proposition linked to negative job conditions (job threat).

2. ASSUMPTIONS

I would like to know how you feel about women in the workplace, by indicating whether you agree or disagree with the following statements, using the scale below:

	1	2	3	4	5
2.1 Women lack commitment to their work.					
2.2 Women's outside commitments interfere with their work.					
2.3 Women possess poor mental/physical abilities for the job.					
2.4 The presence of women would produce an unfavourable reaction from other staff and/or the public.					
2.5 Women are not able to supervise others.					
2.6 Women are not suitable for the job because it is not a traditional area of women's work.					
2.7 Women have limited career intentions.					
2.8 Women are unwilling to undertake training.					
2.9 Women do not conduct themselves in a businesslike way.					
2.10 Women's ability to do the job is impaired by their feminine interests and experiences.					

1. disagree strongly
2. disagree
3. neutral - neither agree nor disagree
4. agree
5. agree strongly

Office use

2. AANNAMES

Ek wil graag weet hoe u voel oor vroue in die werkplek, deur aan te dui of u met die volgende stellings saamstem of nie, deur die volgende skaal te gebruik:

- stem definitief nie saam nie
- stem nie saam nie
- neutraal
- stem saam
- stem definitief saam.

- Vrouens is nie toegewy aan hul werk nie.
- Vroue se ander verpligtinge meng in met hul werk.
- Vroue het swak verstandelike/fisiese vermoëns vir 'n pos.
- Vroue se teenwoordigheid veroorsaak 'n ongunstige reaksie van ander personeel en/of die publiek.
- Vroue is nie in staat om toesig te hou oor ander nie.
- Vroue is nie geskik vir die pos nie, want dit is nie 'n tradisionele area vir vroue-werk nie.
- Vroue het beperkte loopbaanvooruitsigte.
- Vroue is onwillig om opleiding te ondergaan.
- Vroue gedra hulself nie in 'n manier wat aard in besigheid nie.
- Vroue se vermoë om 'n werk te doen, word benadeel deur hul vroulike belangstellings en ondervindinge.

	1	2	3	4	5	Kantoor gebruik
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						

- 7 -

4. HOUDING

Dui aan of u met die volgende stellings saamstem of nie, deur die onderstaande skaal te gebruik:

1. stem definitief nie saam nie
2. stem nie saam nie
3. neutraal
4. stem saam
5. stem definitief saam

	1	2	3	4	5	Kantoor gebruik
4.1 'n Mens kan gewoonlik ongewensde seksuele aandag stop deur die oortreder te sê om te stop.						44
4.2 Die kwessie van seksuele teistering word heeltemal oordryf - die meeste insidente is normale seksuele aantrekking tussen mense.						45
4.3 Mense moenie so gou aanstoot neem as iemand seksuele belangstelling in hulle toon nie.						46
4.4 Dit is aanvaarbaar vir mense om seksuele verhoudings te hê met hul kollegas.						47
4.5 Vroue in posisies van mag sal net so waarskynlik soos mans in sulke posisies die mense wat vir hul werk seksueel pla.						48
4.6 Mense wat ander seksueel pla, soek gewoonlik mag oor dié wat hulle teister.						49
4.7 Vroue wat gepla word deur mans by die werk, soek daarvoor deur die manier wat hulle praat en aantrek.						50
4.8 Wanneer mense sê hulle word seksueel geteister, probeer hulle gewoonlik die beskuldigde in die moeilikheid bring.						51
4.9 Ongewensde seksuele toenaderings by die werk is 'n probleem vir meeste werkende vroue.						52
4.10 Ongewensde seksuele toenaderings by die werk, is nie 'n vrou se skuld nie.						53
4.11 Ongewensde seksuele toenaderings by die werk is nie net vir enkellopende of geskeide vrouens 'n probleem nie.						54

For each of the following statements, indicate whether you agree or disagree, using the following scale:

1. disagree strongly
2. disagree
3. neutral - neither agree nor disagree
4. agree
5. agree strongly

ATTITUDINAL ITEMS

Office use

1 2 3 4 5

4.1 People can usually stop unwanted sexual attention by telling the offender to stop.						44
4.2 The issue of sexual harassment has been exaggerated - most incidents are simply normal sexual attraction between people.						45
4.3 People shouldn't be so quick to take offense when someone expresses a sexual interest in them.						46
4.4 It's all right for people to have sexual affairs with people they work with.						47
4.5 Women in positions of power are just as likely as men in such positions to sexually bother the people who work for them.						48
4.6 Those who sexually bother others are usually seeking power over those they bother.						49
4.7 Women who are bothered by men at work, ask for it by the way they walk or dress.						50
4.8 When people say they've been sexually harassed, they're usually trying to get the person they accuse into trouble.						51
4.9 Unwanted sexual approaches at work are a problem for most working women.						52
4.10 Unwanted sexual approaches at work are not a woman's fault.						53
4.11 Unwanted sexual approaches at work are not just a problem for single or divorced women.						54

- 6 -

Kantoor gebruik	1	2	3	4	5
37					
38					
39					
40					
41					
42					
43					

3.11 Seksuele voorstelle gekoppel aan positiewe voorwaardes (posverbetering).
 3.12 Seksuele voorstelle wat nie gekoppel is aan voorwaardes nie.
 3.13 Sosialisering/versoek vir 'n afspraak.
 3.14 Ongewenste fisiese daad of kontak (bv. knyp/gryp).
 3.15 Aanstootlike/beledigende taal.
 3.16 Ongewenste nie-verbale aandag (bv. gebare, aanstaar, fluit, graffiti).
 3.17 Vuil grappe.

- 6 -

- 3.11 Sexual proposition linked to positive job conditions (job enhancement).
 3.12 Sexual propositions not linked to job conditions (no strings).
 3.13 Socialisation/date request.
 3.14 Unwanted physical act or contact (e.g. pinching/grabbing).
 3.15 Offensive language.
 3.16 Unwanted non-verbal attention (e.g. gestures, stares, whistles, graffiti).
 3.17 Off-colour jokes.

Office use	1	2	3	4	5
37					
38					
39					
40					
41					
42					
43					

- 4.27 It would do some women good to be sexually harassed.
- 4.28 Women who are good workers are as likely to be sexually harassed as women who are bad workers.
- 4.29 Women do not provoke sexual harassment by their appearance or behaviour.
- 4.30 Men, not women, are responsible for sexual harassment.
- 4.31 Women put themselves in situations in which they are likely to be harassed, because they have an unconscious wish to be harassed.
- 4.32 In most cases when a woman is sexually harassed, she deserved it.
- 4.33 Virtually all women who have reported sexual harassment are able to rebuild their careers and their belief in their own competence.
- 4.34 Sexual harassment is not innocent flirtation and women are not flattered by the behaviour.
- 4.35 Sexual harassment is not a serious problem, but a bit of fun between workers which helps to brighten up the routine.
- 4.36 Sexual harassment is a personal matter between two people.
- 4.37 Sexual harassment might be a problem on the rare occasion.
- 4.38 Sexual harassment creates unsatisfactory working conditions and presents a health and safety hazard to women workers.
- 4.39 Sexual harassment may well be in breach of the employer's responsibility to provide equal opportunities for all employees.

	Office use	1	2	3	4	5
70						
71						
72						
73						
74						
75						
76						
77						
78						
79						
80						
Cardno.	2					
1						
2						
3						

Kartoor gebruik	1	2	3	4	5
69					
70					
71					
72					
73					
74					
75					
76					
77					
78					
79					
80					
2 Kaart nr. 1					
2					

- 4.26 Baie vroue dink seksuele teistering stories uit as hulle uitvind dat hulle prestasie nie na wense is nie.
- 4.27 Dit sal party vroue goed doen om seksueel geteister te word.
- 4.28 Vroue wat goeie werkers is het dieselfde kans om seksueel geteister te word as vroue wat swak werkers is.
- 4.29 Vroue lok nie seksuele teistering uit deur hul voorkoms of gedrag nie.
- 4.30 Mans, nie vroue nie, is verantwoordelik vir seksuele teistering.
- 4.31 Vroue plaas hulself in situasies waarin hulle geteister kan word, omdat hulle onbewustelik graag geteister wil word.
- 4.32 In die meeste gevalle waarin 'n vrou geteister is, het sy dit verdien.
- 4.33 Feitlik alle vroue wat rapporteer dat hulle seksueel geteister is, is in staat om hul loopbane en hul geloof in hul eie vermoë weer op te bou.
- 4.34 Seksuele teistering is nie onskuldige flirtasie nie en vroue word nie gevelei deur hierdie gedrag nie.
- 4.35 Seksuele teistering is nie 'n ernstige probleem nie, maar net 'n bietjie pret tussen werkers wat help om die roetine op te helder.
- 4.36 Seksuele teistering is 'n persoonlike saak tussen twee mense.
- 4.37 Seksuele teistering mag 'n probleem wees in uitsonderlike gevalle.
- 4.38 Seksuele teistering skep onbevreëdigende werkomstandighede en is 'n moontlike gesondheids- en veiligheidsrisiko vir vroue.

	1	2	3	4	5	Kantoor gebruik
4.12 Daar is baie meer gevalle van ongewenste seksuele toenaderings by die werk as wat baie mense dink.						55
4.13 Ongewenste seksuele toenaderings by die werk is nie net 'n probleem vir vroue in laag besoldigde poste nie.						56
4.14 Onskuldige flirtasie by die werk is net 'n bietjie pret.						57
4.15 Vrouens moet onaangename seksuele toenaderings by die werk verwy en leer om dit te hanteer.						58
4.16 Onwelkome aandag van mans by die werk gee aanstoot.						59
4.17 'n Vrou wat seksueel geteister is, is 'n begeerlike vrou.						60
4.18 Die mate waartoe 'n vrou weerstand bied teen teistering moet die bepaalde faktor wees om te bepaal of teistering plaasgevind het.						61
4.19 'n Vrou wat seksueel geteister is, is gewoonlik 'n onskuldige slagoffer.						62
4.20 Vrouens sê dikwels hulle is seksueel geteister om hul reputasie te beskerm.						63
4.21 Enige vrou kan seksueel geteister word.						64
4.22 Baie vroue sê hulle is seksueel geteister as hulle ingestem het tot 'n seksuele verhouding, maar agterna van plan verander het.						65
4.23 'n Vrou moenie haarself blameer vir seksuele teistering nie.						66
4.24 'n Vrou kan 'n teisteraar suksesvol teenstaan as sy regtig probeer.						67
4.25 Seksueel ervare vroue lei nie werklik skade deur seksuele teistering nie.						68

	1	2	3	4	5	
4.12 There are many more cases of unwanted sexual approaches at work than most people think.						55
4.13 Unwanted sexual approaches at work are not just a problem for women in low-paying jobs.						56
4.14 Innocent flirtation at work is just a bit of fun.						57
4.15 A woman has to expect unpleasant sexual advances and learn to put up with them.						58
4.16 Unwelcome attention from men at work is offensive.						59
4.17 A sexually harassed woman is a desirable woman.						60
4.18 The extent of the woman's resistance to harassment should be the major factor in determining if harassment has occurred.						61
4.19 A sexually harassed woman is usually an innocent victim.						62
4.20 Women often claim sexual harassment to protect their reputation.						63
4.21 Any woman may be sexually harassed.						64
4.22 Many women claim sexual harassment if they have consented to sexual relations but have changed their minds afterward.						65
4.23 A woman should not blame herself for sexual harassment.						66
4.24 A woman can successfully resist a harasser if she really tries.						67
4.25 Sexually experienced women are not really damaged by sexual harassment.						68
4.26 Many women invent sexual harassment stories if they learn they are not performing as they should.						69

5. DIE WERKPLEK

Ek wil graag weet hoe sien/ervaar jy jou eie huidige werkplek. Lees die volgende stellings en sê of jy saamstem of nie, deur die onderstaande skaal te gebruik:

1. stem definitief nie saam nie
2. stem nie saam nie
3. neutraal
4. stem saam
5. stem definitief saam.

	1	2	3	4	5	Kantoor gebruik
5.1 Fisiese aantreklikheid is baie belangrik in die manier waarop mans vrouens behandel by die werk.						11
5.2 Mense vloek dikwels by my werk.						12
5.3 Aantreklike vroue se kans is beter om aangestel te word in hierdie pos.						13
5.4 Die meeste vroue hier trek aan om fisies aantreklik te wees.						14
5.5 Gereelde seksuele praatjies en grappe vind plaas in my werk.						15
5.6 Die organisasie aanvaar dit as kollegas met mekaar uitgaan.						16
5.7 Fisiese aantreklikheid is belangriker as 'n goeie persoonlikheid, in die wyse waarop mans jou behandel.						17
5.8 Seksuele teistering is 'n groot probleem by my werk.						18

I would like to know how you see/experience your own current workplace. Look at the following statements and say if you agree or disagree, by using the following scale:

1. disagree strongly
2. disagree
3. neutral - neither agree nor disagree
4. agree
5. agree strongly.

Office use

1 2 3 4 5

18					
17					
16					
15					
14					
13					
12					
11					

1. Physical attractiveness is very important in how men treat women at work.
2. Frequent swearing takes place at my work.
3. Attractive women are more likely to be hired on this job.
4. Most women here dress to be physically attractive.
5. Frequent sexual talk and joking takes place in my job.
6. The organisation accepts dating among employees.
7. Physical attractiveness is more important than a good personality in treatment by men.
8. Sexual harassment is a major problem at work.

THE WORKPLACE

Kantoor gebruik	1	2	3	4	5
3					
4					
5					
6					
7					
8					
9					
10					

4.39 Seksuele teistering is 'n verbrekking van die werkgewer se verantwoordelikhed om gelyke geleenthede vir alle werkers te voorsien.

4.40 Die maatskappy verloor geld a.g.v. seksuele teistering, oor die slagoffer se swak prestasie, afwesigheid, oordras na ander werk of besluit om te bedank.

4.41 Geslagsrolle in ons gemeenskap moedig vroue aan om seksuele verhoudings van mans by die werk te soek.

4.42 Baie vroue sien dit as 'n kompliment as mans by die werk hul te soek.

4.43 Vroue wat deur mans by die werk gevra word om 'n seksuele verhouding te he, kon iets gedoen het om dit te voorkom.

4.44 Alhoewel hulle dit sal of nie sal erken nie, voel baie vroue gelei wanneer 'n aantreklike man by die werk hul te soek.

4.45 Geslagsrolle in ons gemeenskap moedig mans aan om seksuele verhoudings van vroue by die werk te soek.

4.46 Mans wat vroue by die werk vra om 'n seksuele verhouding met hul te he, wil vroue domineer.

The company loses money through sexual harassment because of the victim's poor work performance, absenteeism, transfer to other work or decision to leave.

Sex roles in our society encourage women to request sexual relations from men at work.

Many women would see it as complimentary if men at work asked them to have sexual relations.

Women who are asked by men at work to engage in sexual relations could have done something to prevent it.

Although they may or may not admit it, most women are flattered if an attractive man at work asks them to have sexual relations.

Sex roles in our society encourage men to request sexual relations from women at work.

Men who ask women at work to have sexual relations with them, want to dominate women.

Office use	1	2	3	4	5
4					
5					
6					
7					
8					
9					
10					

- 21 -

6. GENDER COMPOSITION

Please answer the following questions by putting a cross (X) in the block that you agree with.

6.1 During a normal working day, do you come into contact with:

- (a) mainly women
- (b) mainly men
- (c) roughly equal numbers of both.

6.2 How much opportunity do you have at work to socialise with the opposite sex?

- (a) none
- (b) some
- (c) a great deal

6.3 How much opportunity do you have to talk about job related matters with the opposite sex?

- (a) none
- (b) some
- (c) a great deal

6.4 How much work time do you spend with the opposite sex?

- (a) none
- (b) some
- (c) a great deal

Office use

22

21

20

19

Kantoor gebruik

6. GESLAGSAMESTELLING

Antwoord asseblief die volgende vrae deur 'n kruis (X) te sit in die blok waarmee u saamstem.

6.1 Gedurende 'n normale werksdag kom ek in kontak met:

- (a) hoofsaaklik vroue
- (b) hoofsaaklik mans
- (c) min of meer ewe veel mans en vroue.

6.2 Hoeveel geleentheid is daar by die werk om met lede van die teenoorgestelde geslag te sosialiseer?

- (a) geen
- (b) 'n bietjie
- (c) baie.

6.3 Hoeveel geleentheid is daar om werksaangeleenthede te bespreek met die teenoorgestelde geslag?

- (a) geen
- (b) 'n bietjie
- (c) baie.

6.4 Hoeveel werktyd bestee u met die teenoorgestelde geslag?

- (a) geen
- (b) 'n bietjie
- (c) baie.

- 12 -

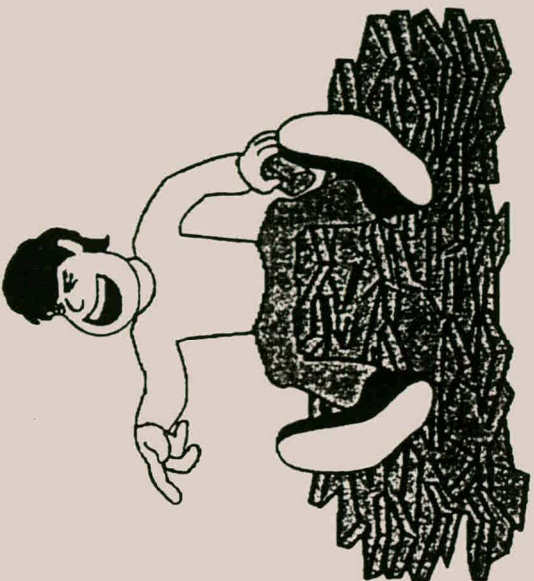
THANK YOU VERY MUCH FOR YOUR TIME AND EFFORT IN COMPLETING THIS QUESTIONNAIRE FOR ME. I APPRECIATE IT VERY MUCH.

MARINDA OTTO
TELEPHONE : (011) 488-7238
8226 (170)

BAIE DANKIE VIR U TYD EN MOEITE OM HIERDIE VRAElys VIR MY TE VOLTUOL.
EK WAARDEER DIT BAIE.
MARINDA OTTO
TELEFOON : (011) 488-7238
(071) 7238

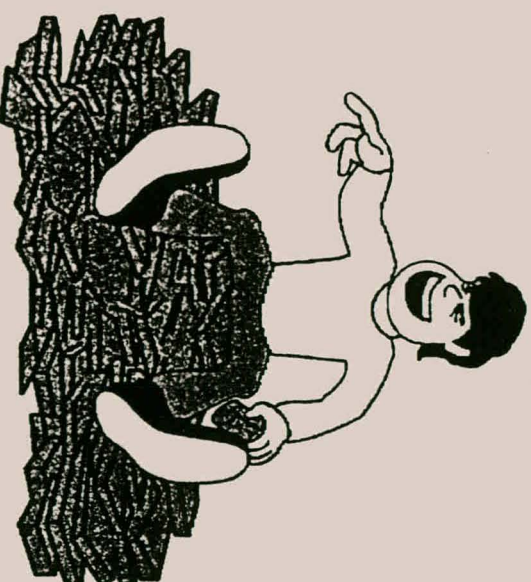
APPENDIX B : Major Study Questionnaire

Jy kan **R500** wen vir
net 30 minute van jou tyd



Blaai om...Voltooi..Stuur in!!!

You could win **R500** for
just 30 minutes of your time



Turn over...Complete..Send in!!!

(AFRIKAANS OP KEERSY)

EXPERIENCES OF A SEXUAL NATURE

Dear Ms

I am currently busy with a study and would appreciate it if you would assist me by completing a questionnaire. On the following pages, you will find a series of questions requesting information about many different kinds of experiences that occur in the work situation. I would like to know if you have ever experienced such an incident(s), from whom, what was your reaction and how did it affect you. I am only interested in the interaction between men and women, so the questions are about this type of situation. The questions are not too personal and are not a reflection on you as a person.

Because I know that everyone of us is always busy, I am prepared to give you a chance to **WIN R500** for your time and effort. All completed questionnaires that reach me before **20 October 1995** will be placed in a box. Two questionnaires will be drawn and each person will receive R500. Please answer as honestly as you can. Remember that all information collected in this research study is **completely confidential**, and your privacy is completely protected.

After the completion of this study, feedback will be given by means of different communication channels in the company (e.g. Transtalk, Platform, etc). If you need more information or would like to contact me personally, you are welcome to phone me at Transnet Park, Johannesburg, (011) 488-7238 or internally (071) 7238, or write to me at:

Manager (Human Resources)
Room B1.57
Transnet Park
PARKTOWN.

Thank you very much for your assistance with this important project.

MARINDA OTTO

MARINDA OTTO

Bate dankie vir u ondersteuning met hierdie belangrike projek.

Bestuurder (Menslike Hulpbronne)
Kamer B1.57
Transnet Park
PARKTOWN.

Na die voltooiing van die studie, sal terugvoer verskat word deur middel van verskeie kommunikasiekanale in die maatskappy (bv. Transstalk, Platform, ens.). Indien u meer inligting verlang of my persoonlik wil kontak, is u welkom om my te skakel by: Transnet Park, Johannesburg, (011) 488-7238 of intern (071) 7238, of skryf aan my by:

Aangesien ek bewus is daarvan dat ons almal altyd bate besig is, is ek bereid om u 'n kans te gee om **R500 TE WEN** vir u tyd en moeite. Alle volledig voltooide vraelyste wat my voor **20 Oktober 1995** bereik, sal in 'n houer geplaas word. Twee vraelyste sal hieruit getrek word en elk van die persone sal **R500** wen. Antwoord asseblief so eerlik moontlik, aangesien alle informasie wat in hierdie studie ingesamel word **absoluut vertroulik** hanteer sal word.

Ek is tans besig met 'n studie en sal dit waardeer indien u my sal help deur die volgende vraelys in te vul. Op die volgende bladsye sal u 'n reeks vrae vind oor verskillende tipes ervarings wat u in die werksituasie mag ondervind. Ek wil graag weet of u al ooit so 'n insident(e) ervaar het, deur wie, wat u reaksie daarop was en hoe dit u geaffekteer het. Ek stel siegs belang in interaksie tussen mans en vrouens, daarom is die vrae oor hierdie tipe situasie. Die vrae is nie te persoonlik nie en is geen refleksie op u as persoon nie.

Geagte Mevr./Mejuffrou

SEKSUELE ONDERVRINDINGE IN DIE WERKPLEK

(ENGLISH ON OTHER SIDE)

Office use										
	1	2	3	4	5					
17										
18										
19										
20										
21										
22										
23										
24										
25										
26										

1. disagree strongly
2. disagree
3. neutral - neither agree nor disagree
4. agree
5. agree strongly

using the following scale:

I would like to know how you see/experience your own current workplace, look at the following statements and say if you agree or disagree, b

2. THE WORKPLACE

2. DIE WERKPLEK

Ek wil graag weet hoe u u huidige werkplek sien/ervaar. Lees die volgende stellings en sê of u daarmee saamstem of nie, deur die onderstaande skaal te gebruik:

1. stem definitief nie saam nie
2. stem nie saam nie
3. neutraal
4. stem saam
5. stem definitief saam

- 2.1 Fisiese aantreklikheid is baie belangrik in die wyse waarop mans vroue behandel by die werk.
- 2.2 Daar is baie sosiale druk op mans om met vroue te flirteer.
- 2.3 Mensse vloek dikwels by my werkplek en gebruik ook kru taal.
- 2.4 Aantreklike vroue het 'n beter kans om in hierdie pos aangestel te word.
- 2.5 'n Vrou se persoonlikheid is baie belangrik in die wyse waarop sy behandel word by die werk.
- 2.6 Die meeste vroue hier trek aan om fisies aantreklik te wees.
- 2.7 Daar is baie sosiale druk op vroue om met die mans te flirteer.
- 2.8 Gereelde seksuele praatjies en grappe vind plaas in my werk.
- 2.9 Die organisasie aanvaar dit as kollegas met mekaar uitgaan.
- 2.10 Fisiese aantreklikheid is belangriker as 'n goeie persoonlikheid, in die wyse waarop vroue deur mans behandel word.

	1	2	3	4	5	Kantoor gebruik
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						

GESLAGSAMESTELLING

Antwoord asseblief die volgende vrae deur 'n kruis (X) te sit in die blok waarmee u saamstem (Slegs one kruis per vraag).

1.1 Gedurende 'n normale werksdag kom ek in kontak met:

- (a) hoofsaaklik vroue
- (b) hoofsaaklik mans
- (c) min of meer ewe veel mans en vroue.

1.2 Hoeveel geleentheid is daar by die werk om met mans te sosialiseer (sosiaal te praat met mans)?

- (a) geen
- (b) 'n bietjie
- (c) baie.

1.3 Hoe baie geleentheid is daar om werksaangeleenthede met mans te bespreek?

- (a) geen
- (b) 'n bietjie
- (c) baie.

1.4 Hoeveel tyd vereis jou pos moet jy saam met mans werk?

- (a) geen
- (b) 'n bietjie
- (c) baie.

Kantoor gebruik

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Office use

3. GENDER COMPOSITION

Please answer the following questions by putting a cross (X) in the block that you agree with (Cross one alternative only).

3.1 During a normal working day, do you come into contact with:

- (a) mainly women
- (b) mainly men
- (c) roughly equal numbers of both.

3.2 How much opportunity do you have at work to socialise with the men (talk socially with men)?

- (a) none
- (b) some
- (c) a great deal.

3.3 How much opportunity do you have to talk about job related matters with men?

- (a) none
- (b) some
- (c) a great deal.

3.4 How much of the time does your job require that you work with men?

- (a) none
- (b) some
- (c) a great deal.

4 Ongewenste, doelbewuste aanraking, oorleun, in 'n hoek dryf, of knyp deur:

- (a) hoër vlak toesighouer
- (b) onmiddellike toesighouer
- (c) kollega
- (d) ander werknemer
- (e) ondergeskikte
- (f) klient/klant
- (g) het nie enige van die situasies ervaar nie

5 Ongewenste druk om uit te gaan deur:

- (a) hoër vlak toesighouer
- (b) onmiddellike toesighouer
- (c) kollega
- (d) ander werknemer
- (e) ondergeskikte
- (f) klient/klant
- (g) het nie enige van die situasies ervaar nie

6 Ongewenste druk vir seksuele gunste deur:

- (a) hoër vlak toesighouer
- (b) onmiddellike toesighouer
- (c) kollega
- (d) ander werknemer
- (e) ondergeskikte
- (f) klient/klant
- (g) het nie enige van die situasies ervaar nie

Kantoor
gebruik

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4.4 Unwanted deliberate touching, leaning over, cornering, or pinching by:

4.5 Unwanted pressure for dates by:

4.6 Unwanted pressure for sexual favours by:

(a) higher level supervisor

(b) immediate supervisor

(c) co-worker

(d) other employee

(e) subordinate

(f) client/customer

(g) have not experienced any of these situations

(a) higher level supervisor

(b) immediate supervisor

(c) co-worker

(d) other employee

(e) subordinate

(f) client/customer

(g) have not experienced any of these situations

(a) higher level supervisor

(b) immediate supervisor

(c) co-worker

(d) other employee

(e) subordinate

(f) client/customer

(g) have not experienced any of these situations

Office
use

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4. MEN'S BEHAVIOUR TOWARD WOMEN AT WORK

I would like to know if you have ever experienced any of the following situations in your present job. If you have, indicate as many situations as you have experienced and by whom. If you have not experienced a specific situation, just put a cross (X) in the last block only.

Office use			
31		4.1.1 Unwanted letters, phone calls, materials of sexual nature by:	
32		(a) higher level supervisor	
33		(b) immediate supervisor	
34		(c) co-worker	
35		(d) other employee	
36		(e) subordinate	
37		(f) client/customer	
		(g) have not experienced any of these situations	
38		4.1.2 Unwanted sexually suggestive looks or gestures by:	
39		(a) higher level supervisor	
40		(b) immediate supervisor	
41		(c) co-worker	
42		(d) other employee	
43		(e) subordinate	
44		(f) client/customer	
		(g) have not experienced any of these situations	
45		4.1.3 Unwanted sexual teasing, jokes, remarks or observations by:	
46		(a) higher level supervisor	
47		(b) immediate supervisor	
48		(c) co-worker	
49		(d) other employee	
50		(e) subordinate	
51		(f) client/customer	
		(g) have not experienced any of these situations	

4. MANS SE GEDRAG TEGENVOOR VROUW BY DIE WERKPLEK

Ek wil graag weet of u enige van die volgende situasies al ervaar het in u huidige pos. Indien wel, dui al die situasies wat u al ervaar het aan en ook wie dit aan u gedoen het. Indien u nie 'n spesifieke situasie ervaar het nie, trek slegs 'n kruis (X) in die laaste blok.

	Kantoor gebruik
4.1 Ongewenste briewe, oproepe, materiaal van seksuele aard deur	
(a) hoër vlak toesighouer	31
(b) onmiddellike toesighouer	32
(c) kollega	33
(d) ander werknemer	34
(e) ondergeskikte	35
(f) klient/klant	36
(g) het nie enige van die situasies ervaar nie	37
4.2 Ongewenste seksueel suggestiewe kyke of gebare deur:	
(a) hoër vlak toesighouer	38
(b) onmiddellike toesighouer	39
(c) kollega	40
(d) ander werknemer	41
(e) ondergeskikte	42
(f) klient/klant	43
(g) het nie enige van die situasies ervaar nie	44
4.3 Ongewenste seksuele terger, grappe, aanmerkings of vrae deur	
(a) hoër vlak toesighouer	45
(b) onmiddellike toesighouer	46
(c) kollega	47
(d) ander werknemer	48
(e) ondergeskikte	49
(f) klient/klant	50
(g) het nie enige van die situasies ervaar nie	51

5. THE MAN INVOLVED

Now, thinking of the man involved in the only or most severe experience, please describe him and your relationship to the best of your knowledge by answering the following questions.

5.1 At the time of the experience, how long had you worked for or been associated with the man?

- (a) less than 1 day
- (b) 1 day to 2 months
- (c) 2 - 6 months
- (d) over 6 months

5.2 After the experience, would you say that you got along better, the same, or worse with the man than before the experience?

- (a) better
- (b) the same
- (c) worse

5.3 To your knowledge, has this man behaved in the same way toward other women at work?

- (a) yes
- (b) no
- (c) don't know

5.4 Of what race is this man?

- (a) Black
- (b) Coloured
- (c) Indian
- (d) White

Office
use

41

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Kantoor
gebruik

21

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5. DIE BETROKKE MAN

Dink nou aan die man wat betrokke was by die enigste of die ergste ervaring en beskryf hom en u verhouding tot die beste van u wete deur die volgende vrae te beantwoord.

5.1 Hoe lank het u vir die man gewerk/was geassosieer met hom, toe die voorval plaasgevind het?

- (a) minder as 1 dag
- (b) 1 dag tot 2 maande
- (c) 2 - 6 maande
- (d) meer as 6 maande

5.2 Sou u sê dat na die voorval beter, dieselfde of slegter met die man oor die weg kom as voor die voorval?

- (a) beter
- (b) dieselfde
- (c) slegter

5.3 Sover jy weet, het hierdie man al dieselfde opgetree teenoor ander vroue by die werk?

- (a) ja
- (b) nee
- (c) weet nie

5.4 Van watter ras is hierdie man?

- (a) Swart
- (b) Kleurling
- (c) Indiër
- (d) Blank

4.10 Indien u enige van bogenoemde situaties ervaar het, hoe verantwoordelijk sou u sê was u daarvoor?

4.9 Indien u enige van bogenoemde situasies ervaar het, hoe dikwels sou u sê het dit plaasgevind?
(Maak slegs een kruis (X).)

4.8 Dreigement of insinuasie dat weiering van seksuele onderdanigheid u diens, salaris, vordering, of ander werktoestande sal affekteer, deur:

4.7 Werklike of poging tot verkragting of seksuele aanranding deur:

(a) higher level supervisor		73
(b) immediate supervisor		74
(c) co-worker		75
(d) other employee		76
(e) subordinate		77
(f) client/customer		78
(g) have not experienced any of these situations		79

(a)	higher level supervisor			2
(b)	immediate supervisor			3
(c)	co-worker			4
(d)	other employee			5
(e)	subordinate			6
(f)	client/customer			7
(g)	have not experienced any of these situations			8

4.9 If you have experienced any of the above mentioned situations, how frequently would you say did this happen to you? (Cross (X) one alternative only)

(a) only once	
(b) a few times	
(c) many times	

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4.10 If you have experienced any of the above situations, how responsible would you say you were for this happening?

(a) very responsible	
(b) somewhat responsible	
(c) just a little responsible	
(d) not at all responsible	

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6. YOUR REACTION TO THE INCIDENT(S)

I would like to know how you reacted on this particular incident that you experienced and if you reported it or not.

6.1 What did you do after the man's behaviour towards you? (Tick more than one if appropriate.)

- | | Office use | |
|--|------------|----|
| (a) ignored it/did nothing | | 19 |
| (b) avoided the man | | 20 |
| (c) asked/told the man to stop | | 21 |
| (d) made a joke of the behaviour | | 22 |
| (e) verbally attacked/abused, threatened, embarrassed, ridiculed, cursed, screamed | | 23 |
| (f) slapped, hit, kicked, shoved away, removed hand, physically resisted/retaliated | | 24 |
| (g) wrote a note, lied/deceived to put man off | | 25 |
| (h) reported the behaviour to the supervisor/manager | | 26 |
| (i) threatened to tell or told other workers | | 27 |
| (j) felt flattered/complimented | | 28 |
| (k) went along with behaviour, and viewed it as a chance for job enhancement/socialisation | | 29 |
| (l) went along with the behaviour for fear of retaliation/played along for the sake of peace | | 30 |
| (m) discussed it with people outside work (friends/family) | | 31 |
| (n) changed yourself (behaviour/clothes) | | 32 |
| (o) took days off work | | 33 |
| (p) asked for a transfer | | 34 |
| (q) left the job/quit | | 35 |
| (r) reported it to the union | | 36 |
| (s) requested an investigation by the company | | 37 |
| (t) filed a grievance | | 38 |
| (u) requested an investigation by an outside agency | | 39 |
| (v) took legal action/went to court. | | 40 |

Office use

Kantoor gebruik

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6. U REAKSIE OP DIE INSIDENT(E)
 Ek wil graag weet hoe u gereageer het op hierdie spesifieke insident wat u ervaar het en of u dit gerapporteer het of nie.
 6.1 Wat het u gedoen na die man se gedrag teenoor jou?
 (Merk meer as een indien toepaslik.)

- | | | |
|---|--|----|
| (a) ignoreer dit/doen niks | | 19 |
| (b) vermy die man | | 20 |
| (c) vra/sê die man om te stop | | 21 |
| (d) maak 'n grap oor die gedrag | | 22 |
| (e) val verbaal aan/misbruik, dreig, stel in die verleenheid, spot, vloek, skree | | 23 |
| (f) klap, slaan, skop, stoot weg, verwyder hand, bied fisies weerstand | | 24 |
| (g) skryf 'n nota, lieg/bedrieg om die man af te sit | | 25 |
| (h) rapporteer die gedrag aan toesighouer/bestuurer | | 26 |
| (i) dreig om te vertel of vertel ander werkers | | 27 |
| (j) voel gevel/gekomplimenteer | | 28 |
| (k) speel saam en sien dit as 'n geleentheid vir werkverbetering of sosialisering | | 29 |
| (l) speel saam uit vrees vir wraak of om die vrede te bewaar | | 30 |
| (m) bespreek dit met mense buite die werk (vriende/familie) | | 31 |
| (n) verander aan jouself (gedrag/klere) | | 32 |
| (o) vat dae af by die werk | | 33 |
| (p) vra vir 'n oorslag | | 34 |
| (q) bedank | | 35 |
| (r) rapporteer dit aan die vakbond | | 36 |
| (s) versoek die maatskappy om die saak te ondersoek | | 37 |
| (t) sit 'n grief in | | 38 |
| (u) vra 'n eksterne agentskap om die saak te ondersoek | | 39 |
| (v) neem wetlike aksie/gaan hof toe. | | 40 |

5.5 What is his age? (Just your best guess)

(a) 18 - 29

(b) 30 - 39

(c) 40 - 49

(d) 50 - 59

(e) 60 or older

5.6 What is his marital status?

(a) unmarried

(b) married

(c) separated

(d) divorced

5.7 What is his highest qualification to the best of your knowledge?

(a) std. 5 and lower

(b) std. 6 - 8

(c) std. 9 - 10

(d) diploma/certificate

(e) degree

5.8 How attractive do women consider him?

(a) very attractive (above average)

(b) average

(c) unattractive

5.8 Hoe aantreklik vind vroue hom?

(a) baie aantreklik (bo gemiddeld)

(b) gemiddeld

(c) onaantreklik

(e) graad

(d) diploma/sertifikat

(c) std. 9 - 10

(b) std. 6 - 8

(a) std. 5 en laer

5.7 Wat is sy hoogste kwalifikasie, sover jy weet?

(d) geskei

(c) vervreemd van sy vrou

(b) getroud

(a) ongetrond

5.6 Wat is die man se huwelikstatus?

(e) 60 of over

(d) 50 - 59

(c) 40 - 49

(b) 30 - 39

(a) 18 - 29

5.5 Wat is die man se ouderdom (jou beste raaiskoot)?

Kantoor
gebruik

6.4 Indien u wel met iemand gepraat het oor u ervaring, wat was die uitwerking daarvan? (Merk slegs een).

- (a) het dinge beter gemak
- (b) het dinge slegter gemak
- (c) het geen verskil gemak nie

Kantoor
gebruik

6.5 Indien u enige insidente gerapporteert het, hoe het bestuur gereageert op die aksie wat u geneem het? (Merk meer as een indien toepaslik).

- (a) bevind my aanklag as waar
- (b) bevind my aanklag as vals
- (c) korrigeer die skade wat my aangedoen is
- (d) het aksie geneem teen die persoon wat my gepla het
- (e) bestuur was vyandig of het aksie teen my geneem
- (f) het niks gedoen nie
- (g) die aksie is nog aan die gang
- (h) weet nie of bestuur enigiets gedoen het nie

[illegible]

6.6 Indien u die insident gerapporteer het, het u enige negatiewe gevolge/vergelding agterna ervaar?

- | | |
|-----|-----|
| (a) | ja |
| (b) | nee |

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6.4 If you did talk to somebody about your experience, what effect did this talk have? (Tick only one)

- (a) made things better
- (b) made things worse
- (c) made no difference

Office use	67
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6.5 If you have reported any incidents, how did management respond to the action you took? (Tick more than one if appropriate.)

- (a) found my charge to be true
- (b) found my charge to be false
- (c) corrected the damage done to me
- (d) took action against the person who bothered me
- (e) management was hostile or took action against me
- (f) did nothing
- (g) the action is still being processed
- (h) don't know whether management did anything

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6.6 If you reported the incident, did you experience any negative consequences/retaliation afterwards?

- (a) yes
- (b) no

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6.2 If you didn't report any of the unwanted/upsetting behaviour to anyone, why not?

6.3 If you did tell somebody, who was that person(s)? (Tick more than one if appropriate.)

- (a) didn't know what action to take
- (b) didn't know who to talk to
- (c) didn't want to make a fuss
- (d) didn't think it was serious
- (e) didn't want to look stupid
- (f) didn't think anything would be done
- (g) was afraid of the consequences
- (h) thought it was my own fault/should've prevented it.
- (i) was afraid to be victimised
- (j) didn't want to hurt the man
- (k) were embarrassed
- (l) saw no real need to report it
- (m) absence of an internal complaint procedure
- (n) would take too much time and effort
- (o) other (specify)

- (a) friend(s)
- (b) parents
- (c) colleague
- (d) supervisor/manager
- (e) trade union representative
- (f) counsellor/therapist
- (g) doctor
- (h) police
- (i) other (specify)

12

6.2 Indien u geen van die ongewenste/ontstellende gedrag aan enige een gerapporteer het nie, waarom nie?

- (a) het nie geweet watter aksie om te neem nie
- (b) het nie geweet met wie om te praat nie
- (c) wou nie 'n ophef daarvan maak nie
- (d) het nie gedink dit was ernstig nie
- (e) wou nie dom lyk nie
- (f) het nie gedink enigiets sou daaraan gedoen word nie
- (g) was bang vir die gevolge
- (h) het gedink dis my eie fout/moes dit voorkom het
- (i) was bang hy sal wraak neem/my viktimiseer
- (j) wou nie die man seermaak nie
- (k) was verleë/in die verleentheid
- (l) het nie rede gesien om dit te rapporteer nie
- (m) gebrek aan 'n interne klagte-prosedure
- (n) sou te veel tyd en moeite in beslag neem
- (o) ander (spesifiseer)

6.3 Indien jy wel vir iemand vertel het, wie was die persoon/ persone? (Merk meer as een indien toepaslik).

- (a) vriend (e)
- (b) ouers
- (c) kollega
- (d) toesighouer/bestuurder
- (e) vakbondverteenvoordiger
- (f) berader/terapeut
- (g) dokter
- (h) polisie
- (i) ander (spesifiseer)

Kantoor gebruik

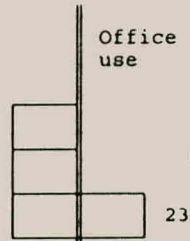
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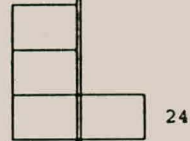
6.10 Do you think that reaction from the employees or management would reduce these incidents?

- (a) yes
- (b) no
- (c) uncertain



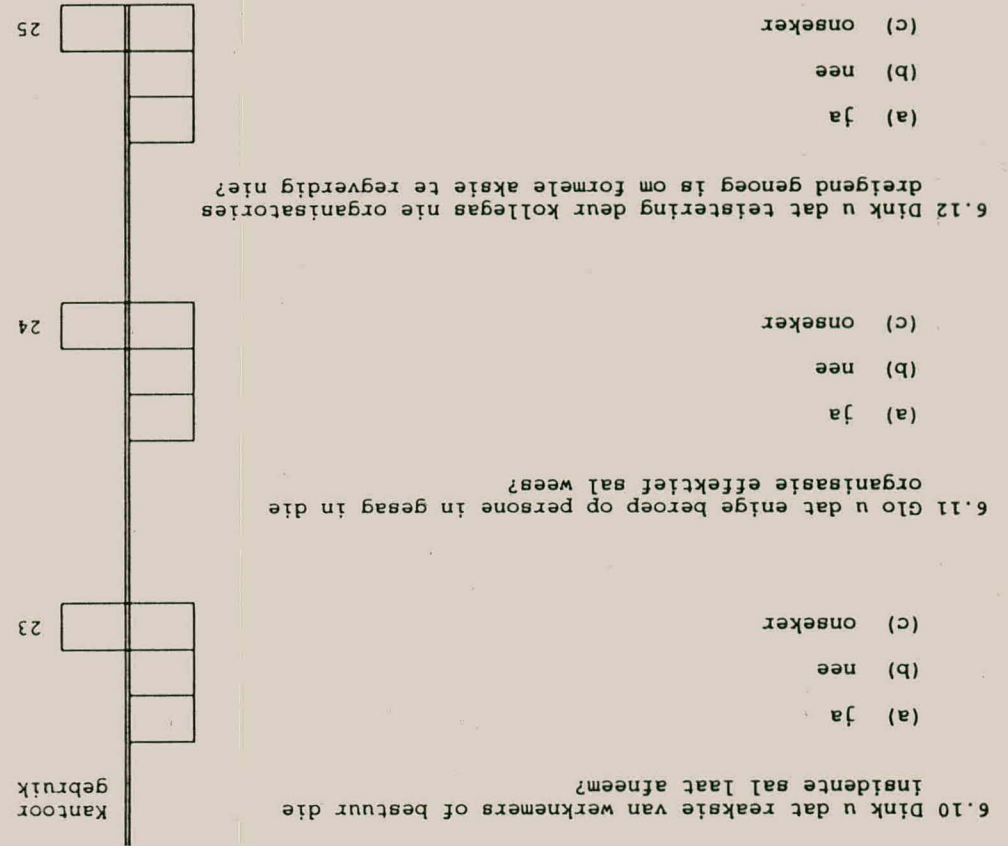
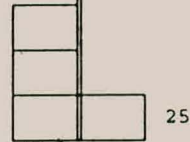
6.11 Do you believe any appeal to organisational authority would be effective?

- (a) yes
- (b) no
- (c) uncertain



6.12 Do you view co-worker harassment as not organisationally threatening enough to warrant formal action?

- (a) yes
- (b) no
- (c) uncertain



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6.7 If you did experience any negative consequences/retaliation, what form did it take? (Tick more than one if appropriate)

(a) verbal abuse

(b) non co-operation from male co-workers

(c) poor personal recommendation/preferences

(d) poor job evaluation/bonus rating

(e) impossible performance standards

(f) refusal to offer overtime

(g) demotion or downgrading

(h) transfer to less satisfactory work

(i) worsening of shift pattern/hours worked

(j) termination of employment

(k) denied promotion

(l) unfair wages

(m) offensive working conditions

(n) other (specify) _____

6.8 Were threats made if you chose non-involvement?

(a) yes

(b) no

6.9 If yes, what did the threats involve?

(a) job security (termination)

(b) promotion

(c) salary

(d) gossip

(e) blackmail

6.7 Indien u enige negatiewe gevolge/vergelding ervaar het, watter vorm het dit aangeneem? (Merk meer as een indien toepaslik).

(a) verbale mishandeling/uitskel

(b) geen samewerking van manlike kollegas

(c) swak persoonlike aanbevelings/verwysings

(d) swak posevaluasies/bonusevaluerings

(e) onmoontlike prestasiestandaarde

(f) weiering van oortyd

(g) verlaging in rang

(h) oorplasing na minder bevredigende werk

(i) verslegting van skofpatroon/ure

(j) beëindiging van diens

(k) weiering van bevordering

(l) onbillike salaris

(m) onaangename/aanstootlike werkomstandighede

(n) ander (spesifiseer) _____

6.8 Is u gedreig indien u gekies het om nie betrokke te raak nie?

(a) ja

(b) nee

6.9 Indien ja, wat het die dreigemente behels?

(a) werksekuriteit (afdanke)

(b) bevordering

(c) salaris

(d) skinderstories

(e) afpersing

Kaart nr. 1

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7.3 Have any of these incident(s) affected your work situation in any way, by: (Tick more than one if appropriate)

- (a) making you less friendly
- (b) making you dress differently
- (c) making you avoid the man/men
- (d) making you lose interest in your work
- (e) spoiling your chances of promotion
- (f) affecting your job performance
- (g) asking for a transfer
- (h) making you feel isolated from other employees
- (i) making it difficult to concentrate
- (j) affecting the way you relate to other people
- (k) being absent more often
- (l) affecting your job satisfaction
- (m) quitting your job
- (n) being fired from your job
- (o) no effect
- (p) other (specify)

Office
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Kantoor
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Het enige van hierdie insident(e) u werksituasie op enige manier beïnvloed, deur : (Merk meer as een indien toepaslik)

- (a) u minder vriendelik te maak
- (b) u anders te laat aantrek
- (c) u mans te laat vermy
- (d) u belangstelling in u werk te laat verloor
- (e) u kansse vir bevordering te benadeel
- (f) u werkprestasie te aftekteer
- (g) u te laat vra vir 'n oorplassing
- (h) u geïsoleer te laat voel van ander werknemers
- (i) u te laat sukkel om te konsentreer
- (j) die wyse waarop u met ander omgaan te beïnvloed
- (k) meer afwesig te wees
- (l) u werkbereidiging te aftekteer
- (m) u werk te bedank
- (n) afgedank te word
- (o) geen effek
- (p) ander (spesifiseer)

48			(k) geen effek
47			(j) fisiese en geestesiekties
46			(i) probleme met gesins- en persoonlike verhoudings
45			(h) koronêre hartsiekte
44			(g) gevoel van magtelooheid/hulpeloosheid/kwesbaar
43			(f) probleme met gewig en dieet
42			(e) slaaploosheid en moegheid
41			(d) toename in alkohol, sigaret en/of dwelmmissbruk
40			(c) migraine
39			(b) vrees en angstigtheid
38			(a) spanning, irritasie, depressie
			(Merk meer as een indien toepaslik)
			7.2 Het u enige van die volgende siekheidse reaksies ervaar na die insident(e)?
37			(l) geen effek
36			(k) plesier
35			(j) gewalg/'n afkeer van
34			(i) vriendelikhed
33			(h) beledig
32			(g) sensuueagtig
31			(f) gevoel
30			(e) verleentheid
29			(d) skuld
28			(c) intimidasie
27			(b) vrees
26			(a) woede
			7.1 Hoe sal u n emosionele respons/reaksie na hierdie ervaaring(e) beskryf? (Merk meer as een indien toepaslik).
			Ek wil graag weet watter impak hierdie seksuele ervaaring(e) op u as persoon, sowel as werknemer, gehad het.
			Kantoor gebruik

7. EFFECT OF SEXUAL EXPERIENCES ON WOMEN

I would like to know what impact this sexual experience(s) had on you as person, as well as an employee.

7.1 How would you describe your emotional response after this experience(s)? (Tick more than one if appropriate.)

- (a) anger
- (b) fear
- (c) intimidation
- (d) guilt
- (e) embarrassment
- (f) flattered
- (g) nervousness
- (h) insult
- (i) friendliness
- (j) disgust
- (k) pleasure
- (l) no effect

7.2 Did you experience any of the following psychological and physical reactions after the incident(s)? (Tick more than one if appropriate.)

- (a) tension, irritation, depression
- (b) fear and anxiety
- (c) migraine
- (d) increased alcohol, cigarette and/or drug abuse
- (e) sleeplessness and tiredness
- (f) problems with weight and diet
- (g) sense of powerlessness/helplessness/vulnerability
- (h) coronary heart disease
- (i) difficulties with family & personal relationships
- (j) physical and mental illness
- (k) no effect

Office use

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- 81 -

8. BLAME

I would like to know who you feel is to blame for this experience that you had. Look at the following statements and indicate if you agree or disagree, by using the following scale:

1. disagree strongly
2. disagree
3. neutral - neither agree nor disagree
4. agree
5. agree strongly

	1	2	3	4	5	
8.1 Perhaps something in my behaviour brought it about.						65
8.2 Perhaps something in my behaviour may have encouraged the man.						69
8.3 The man is to blame for the whole situation.						69
8.4 The environment/atmosphere I work in, allows/encourages this kind of behaviour.						68
8.5 I am the sort of person these kinds of incidents are likely to happen to.						69

Office use

9. JUST ONE LAST QUESTION

How much of a problem at your place of work do you consider sexual harassment to be?

- (a) a major problem
- (b) a minor problem
- (c) no problem

						70

THANK YOU VERY MUCH FOR YOUR TIME AND EFFORT IN COMPLETING THIS QUESTIONNAIRE FOR ME.
I APPRECIATE IT VERY MUCH.

MARINDA OTTO

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8. BLAAM

Ek wil graag weet wie u voel geblameer moet word vir hierdie ervaring wat u gehad het. Kyk na die volgende stellings en dui aan of u saamstem of nie, deur die onderstaande skaal te gebruik:

1. stem definitief nie saam nie
2. stem nie saam nie
3. neutraal
4. stem saam
5. stem definitief saam.

	1	2	3	4	5	
8.1 Miskien het iets in my gedrag dit teeweeg gebring.						65
8.2 Miskien het iets in my gedrag dit man aangemoedig.						66
8.3 Die man is te blameer vir die hele situasie.						67
8.4 Die omgewing/atmosfeer waarin ek werk, laat dit toe/moedig sulke tipe gedrag aan.						68
8.5 Ek is die soort persoon met wie hierdie tipe insidente gebeur.						69

Kantoor gebruik

9. NET EEN LAASTE VRAAG

Hoe 'n groot probleem dink u is seksuele teistering in u werkplek?

- (a) 'n groot probleem
- (b) 'n klein probleem
- (c) geen probleem nie

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BAIE DANKIE VIR U TYD EN MOEITE OM HIERDIE VRAEKLYS VIR MY IN TE VUL.
EK WAARDEER DIT BAIE.

MARINDA OTTO

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